

Part II: Waivers Requests Not Yet Granted

Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

1. POLICY FOR MANAGEMENT OF STUDENT POSSESSION AND STAFF ADMINISTRATION OF PRESCRIPTION MEDICAL MARIJUANA: CRS § 22-1-119.3 including (3)(d) through (f); 1 CCR 301-68:7.00 (7.06) and 1 CCR 301-68:8.00

Rationale:

1) The Academy will be located on the Ute Mountain Ute Reservation, which is federal land held in trust for the Tribe and falls under the criminal jurisdiction of the United States. Colorado’s state law decriminalizing marijuana for medical purposes does not apply on the Reservation.

2) Marijuana use and possession is prohibited by federal law and is, therefore, not allowed on the Reservation. As a result, bringing medical marijuana to this school would be unambiguously criminal conduct.

Replacement Plan: The Tribe will not be able to implement protocols that will allow the administration of marijuana or substances containing more than 0.3% THC. Other medications will be administered under rules set forth by the Indian Health Services and the Academy’s Student and Parent Handbook which is included with this waiver request.

The Indian Health Service provides health services to persons on the Reservation and provides services directly to individuals, or contracts with the Tribe for such services through the Indian Self Determination and Education Assistance Act. (Attachment A)

Kwiyagat Community Academy is committed to implementing every element of this statute and its regulations in full, aside from the provisions related to medical marijuana.

Duration of Waivers: For the term of the contract.

Financial Impact: No costs of enforcement by the Tribe or the state. Costs of enforcement will be borne by the Bureau of Indian Affairs in criminal enforcement.

How the Impact of the Waivers Will be Evaluated: Because medical marijuana is not legal on the Reservation, very few Tribal students would have the necessary doctor’s recommendations to be able to invoke the statute in any event; we estimate, as a result, that very few students will be affected by this waiver. The impact will be evaluated by tracking the number of parent requests to bring prescription marijuana to the school, including tracking the ultimate resolution of each such request (*e.g.*, other medications used in lieu of marijuana).

Expected Outcome: Students will not be able to possess or use prescription marijuana; school staff will not be permitted to administer prescription marijuana; parents will not be permitted to bring medical marijuana onto the reservation for student (or any other) use.

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2. CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR PUBLIC SCHOOLS, CHARTER SCHOOLS AND JUNIOR COLLEGES – ENFORCEMENT and APPEALS: C.R.S. § 22-32-124(1)(c)

Rationale:

- 1) Under federal law, the Colorado Division of Fire Prevention and Control has no jurisdiction over Tribal and federal operations on the Ute Mountain Ute Reservation and the Tribe is not subject to enforcement by the Division. (See 25 USCA §231 and 25 CFR §237.172). As a result, local planning authorities have no practice or established capacity for inspecting Tribal properties.
- 2) The Tribe maintains its own building safety codes and inspections, most of which flow from federal requirements.

Replacement Plan:

While the Colorado Division of Fire Prevention and Control has no jurisdiction on the Ute Mountain Ute Reservation and the Tribe is not subject to enforcement by the Division:

- 1) There are established building codes and inspections, following the International Building Code (IBC) (published by the International Code Council, the same model code on which the DFPC code is based), that the Academy will adhere to, and
- 2) There are established entities responsible for the enforcement of applicable building safety codes and inspections on the Ute Mountain Ute Reservation.

The Tribe has an established public works division that conducts building inspections. When Tribal funds are used, the Tribe will utilize licensed construction companies for construction work and trained mechanics and engineers in its Public Works Department for maintenance and inspections. Similarly, the Indian Health Service conducts inspections utilizing, in part, the Tribe’s Fire Department applying federal standards.

When the Tribe utilizes grant funds for the construction and maintenance of The Academy structures, the grants prescribe the codes which will apply in those operations.

The Academy will also operate the fire drills and similar preventative efforts recommended by the Division of Fire Prevention and Control—consistent with § 22-32-109.1, C.R.S., which will continue to apply to the Academy—but subject to its own authority to supervise rather than the Division’s.

Duration of Waivers: For the term of the contract.

Financial Impact: All costs will be borne by the Tribe and the United States.

How the Impact of the Waivers Will be Evaluated: The construction and maintenance of school buildings can be monitored for compliance with requisite standards.

Expected Outcome: Buildings will be constructed and maintained per guidelines established by the Tribe and the United States.

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3. OATHS, AFFIRMATIONS, OR PLEDGES AND PENALTY: C.R.S. §22-61-105

Rationale:

- 1) The Colorado State *Constitution* does not apply on the Ute Mountain Reservation and oaths should not be required to refer to it, however, school personnel will follow the United States *Constitution* as well as the Ute Mountain Ute Tribal *Constitution* and all applicable state laws.
- 2) Because the statute on oaths, affirmations and pledges is waived, the related penalty should also be waived.
- 3) Teachers licensed by the state will have taken an oath to the Colorado *Constitution* under C.R.S. 22-61-103.

Replacement Plan: The Tribe does not typically require employees to take an oath; only elected and appointed officials are required to take oaths. Licensed personnel will take oaths as required by their licenses, but the Academy will not incorporate that requirement into its employment arrangements.

Duration of Waivers: For the term of the contract.

Financial Impact: Costs should be the same.

How the Impact of the Waivers Will be Evaluated: Monitor whether a failure to take an oath to the state *Constitution* has an impact on the Kwiyaqat Community Academy's effectiveness.

Expected Outcome: Fewer loyalty oaths will be sworn.

ATTACHMENT A

**Kwiyagat Community Academy
Student and Parent/Guardian Handbook**



STUDENT AND PARENT/GUARDIAN HANDBOOK

Kwiyagatu Community Academy

*modified from Mountain Middle School Student and
Parent Handbook with permission

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SECTION 1 - Guiding Principles of Kwiyaqatu Community Academy	

Kwiyaguta Community Academy's name originates from meetings with parents and community members in discussing the school. Several members spoke to the significance of the Bear in Nuchiu culture and Kwiyagatu is the Ute (Nuchiu) word for Bear. The Bear represents respect for the world around us. Therefore, Kwiyaguta was important to have in the school name. The parents and community members also felt it was important that the word *community* was essential because we envision members of the community becoming very critical to the success of the school. The word *academy* creates an image of a strong academic approach. The founders believe students need a high-quality academic program to be successful in life.

Vision: Kwiyagatu Community Academy envisions a future where the graduates of the school will have a strong grounding in Nuchiu culture and language while incorporating modern perspectives as contributing members of the Ute Mountain Ute community. The new generation of school graduates will foster a revitalization of the Nuchiu language and culture and use this knowledge to ground them in a positive self-identity and create community connections built on mutual respect, academic success and focused career goals.

Mission: The mission of the Kwiyagatu Community School will be to ensure an educational program where the Nuchiu culture and language guides the educational experience and is characterized by small class sizes with an interdisciplinary, indigenous, and project-based approach that results in high academic expectations and desired character skills, personal wellness and community involvement.

The goals of school will be measured three times per year by rubrics that indicate the progress each student makes as related to the school values.

Four School Values:

Cultural and Language: Nuchiu culture and language is very important to the development of the school and Towaoc community. The Nuchiu culture and language is rooted in Ute history. The history is long and the knowledge is ancient. The knowledge of traditional Nuchiu culture and language appears to be fading, as the holders of this knowledge are becoming older and older. An important part of the school is utilizing Ute Elders in educating students and school teachers and staff in the traditional beliefs and ways of life. There are Ute words that cannot be translated into English, we want to preserve these Ute words and meanings. The school will be guided by Nuchiu culture and language where every student and member of the school community will strive to understand the age-appropriate aspects of Ute language and culture. This understanding of language and culture will guide each student's personal understanding of self, family and community and will be inclusive of all backgrounds. The cultural aspects of the curriculum will ensure that each student will comprehend Nuchiu history, traditional male and female roles and responsibilities in family and society, ways of communicating stories and traditions, and wisdom from the past to inform the present and future. Students will learn to connect aspects of Ute language to similarities and differences between Ute Mountain Ute and other bands of Ute and find the ways that language intersects with important cultural traditions and history.

Competency: The school strives to ensure that every student reaches high expectations in every academic area, including reading, writing, oral expression and listening, mathematics, science, social studies, art, physical education, drama and music as well as demonstrating high levels of achievement in character, personal health, culture and traditions, and community engagement.

Character and Wellness: The school will emphasize the development of character and wellness of the students through specific activities that integrate Nuchiu culture. Each student will learn from elders and teachers specific character skills such as respect, resiliency, responsibility, integrity, generosity, humbleness, and appreciation of the living world. Students will demonstrate the discipline and fortitude necessary to have a healthy body and positive mind-set.

Community Connections: Each member of the school community is aware of and builds on their community connections through acts of service, friendships, and mentorship.

Native American Community Academy Inspired School Network: The Kwiyaqatu Community Academy (KCA) will follow similar educational programs as the Native American Community Academy Elementary School and schools in the NACA Inspired Schools Network (NISN). The network provides an excellent model for indigenous pedagogy, blending Native American literature, history, science, math and health and wellness with an overall focus on culture and language. In the case Kwiyaqatu Community Academy, the focus will be on Ute Mountain Ute culture and language.

The NACA Inspired Schools Network (NISN) model will guide the KCA curriculum and have a primary focus on (1) academic excellence and relevance, (2) core values and culture, (3) community transformation, (4) continuous reflection and improvement, (5) leadership in indigenous education and (6) operating effectiveness and efficiency. A critical goal of the Ute Mountain Ute community is providing young people with a positive self-identity and academic and career focus while creating an environment to revitalize the Ute language and culture

Project-Based Learning: The school will have meaningful indigenous, interdisciplinary, project-based learning curriculum with the following components:

- **Addresses real-life issues.** A key to successful project-based learning is to assign projects that connect to real-life scenarios or relevant student topics. Project ideas will support the initiatives and challenges of our local community and environment. As a result, students are more engaged and motivated as they approach and solve tasks to which they can relate.
- **Emphasizes problem-solving skills.** Students are presented with a question or problem and asked to research, analyze, synthesize, comprehend, and evaluate. Skills developed through project-based learning include collaboration, leadership, and problem solving.
- **Motivates students.** The opportunities and freedom in project-based learning let students explore issues in depth, satisfying their innate curiosity in a way that traditional learning does not. When students are interested in what they're doing, they are often capable of performing at higher levels. When students have more freedom to define the scope of their projects, they often set the bar higher for their achievement.
- **Encourages advanced thinking skills.** Traditional methods of teaching do not always address advanced thinking skills; students often simply rehash information that they have read. However, with project-based learning, students explore issues, solve problems, and collaborate with their peers. Many of the skills that students sharpen through project-based learning are exactly those that employers desire.
- **Promotes collaboration.** Students learn how to collaborate with their classmates, with students in other classrooms, or with students halfway around the world. They can also contact experts by

using email, the Internet, and video conferencing. Teamwork and cooperation are the keys to success in today's information-rich, highly technical workforce.

- **Teaches the latest technologies.** Project-based learning activities provide a framework for students to tap into their creativity while technology provides them with a means to develop solutions. Computers, the Internet, and a diverse range of software programs help students conduct research and produce final products. Students also become prepared to deal with the ever-increasing technological demands of their world.
- **Promotes Personalization.** Project-based learning will foster student engagement by allowing choice within each project, tapping into students' experiences and interests, and building a strong sense of community. Each student has a teacher who monitors the student's personal and academic development and serves as the point of contact for the family. The teachers work with the students to ensure that individualized projects are developed that reflects each student's unique needs and interests. They compile and present their best work in exhibitions. Students with special needs receive individual attention in our co-teaching and inclusion model. Individual and small-group learning styles are facilitated in our makerspaces (art/design, digital fabrication, wood shop) for hands-on activities along with exhibition spaces.
- **Adult World Connection.** Students experience some of their best learning outside the school walls often drawing on adult resources, especially Elders in the community, to which they might not otherwise be exposed. As student get older projects will start with focus on family and then call for outdoor investigation and exploration; and by 5th grade require interviews with local business leaders, government officials, and the general public. Students will exhibit their work to adult audiences and receive feedback during exhibitions, student led conferences, and presentations of learning.

SECTION 2 - Non-Discrimination Statement

It is the policy of Kwiyaqatu Community Academy is provide a safe work environment, to recruit, hire, train, educate, promote, and administer all personnel and provide a safe learning environment and to operate the school and implement all instructional programs and actions, without regard to race, creed, color, religion, sex, sexual orientation, transgender status, age, national origin, ancestry, disability, need for special education services , marital status, or public assistance. We will not tolerate any discrimination, and any such conduct is prohibited. The school also prohibits any form of discipline or retaliation for reporting incidents. The HOS will serve as the Title IX coordinator. All Title IX complaints are to be emailed to the Head of School.

SECTION 3 - General School Procedures

Attendance

Daily participation in class is critical to student learning and growth. It is the family's responsibility to have their students on time and present for all of their classes. Please understand that a lot of what we do in project-based learning cannot be made up (exhibitions, team presentations, student led conferences, presentations of learning, field work). Students must also understand the importance of

their attendance in group projects. Attendance is important to achieving academic excellence. Please schedule all family vacations during the breaks that are built into our school calendar and not during scheduled school time. Please communicate with the teachers and administration about conflicting activities in order to ensure the student is on track to complete their school work.

School Hours

Classes begin at 8:15 am for grades K-2, and 8:30 am for 3rd, 4th and 5th grade
Monday, Tuesday Thursday and Friday dismissal: 3:15 for K-2 and 3:30 pm 3rd-5th grade
Early Release dismissal on Wednesdays is 2:00 pm grades K-2, 2:15 pm for 3rd- 5th grade

Students should arrive no earlier than **8:00 am when staff supervision begins and the school is open and leave no later than 3:45 pm when staff supervision ends** unless prior arrangements have been made with a staff member. Staff members reserve the right to call emergency numbers for students who are not picked up by 3:45 pm and release children to these individuals.

Absences, Late Arrivals, or Early Pick-ups

Significant absences, repeated unexcused absences or tardiness could lead to academic and disciplinary consequences. If the problem continues, the parents and student will meet with the administration to resolve the issue. In the event of a necessary absence, please call or email KCA's main office, to advise the staff and front office that your child will be absent or will be late or needs to be picked up early.

Any student who has missed five (5) consecutive days of school without any contact may be subject to disciplinary proceedings. Additionally, under KCA and Tribal Truancy Policy, a student and parent(s) are subject to legal truancy proceedings.

Attendance during School-Wide Assessments: To assess the effectiveness of the rigorous, integrated and personalized academic project-based curriculum, students are expected to be present and participate in various scheduled school-wide assessments such as exhibitions, AIMS Web, and CMAS (at third grade). Attendance is expected and promptness is appreciated. Failure of the student to attend without appropriate advance documentation can result in disciplinary action.

Excused Absences: Excused absences are those resulting from: illness, injury, extracurricular games, family emergency, or long term absences excused by the administration through prior written requests of parents/guardians to the administration: absences which occur when a student is in custody of a court, or of a law enforcement authority, and any other absence approved by the administration. The school may require suitable proof of an excused absence including written statements from medical sources. Parents or guardians are required to call the site manager for all excused absences for attendance record keeping when a student is out for one day for sickness or injury. Multi-day absences must be planned and discussed with the grade level teachers prior to the absence to ensure proper communication about the academic experiences that will be missed or could impact the student's academic grades.

Unexcused Absences: Absences not properly reported by the parent/guardian are unexcused. Unexcused absences are those absences deemed unacceptable by the grade level teacher and administration because the parents have not communicated with the teachers, site manager or administration. Unexcused absences may result in disciplinary consequences.

Notification of Absences to Parents by the School: When a student is truant from school or from assigned classes, the school office will make a reasonable effort to notify parents, guardians, or legal custodians by phone as quickly as possible. If a student's academic progress is compromised because of absence, reasonable effort will be made to notify the parents/guardian in advance so remedial action can be taken.

Academic Consequences: Students with excused or unexcused absences are responsible for work missed and are expected to make it up for their own benefit. Teachers will provide opportunities for students to make up missed work for excused absences only.

Habitually Truant Students: Truancy is an absence from school without the permission of the student's parent/guardian, the teacher in charge or the Head of School. Students who have achieved the age of six but are under 17 years of age, who have four or more unexcused absences from school or from class in a one month period, or 10 or more unexcused absences from school or from class on 10 or more different days in a school year, are considered to be "habitually truant" under state law. Absences due to suspension or recommendation of expulsion will not be considered for purposes of determining habitual truancy. Once a student is determined to be habitually truant, the Head of School, or designee, will notify the student's parents/guardian in writing of the student's unexcused absences and of the fact that the student is habitually truant. At that time, the school will develop a plan with the goal of assisting the child to remain in school. School personnel will make reasonable efforts to meet with the parent/guardian to review and evaluate the reasons for the child's truancy and may work with a local community services group in developing and implementing the plan, and assisting the student to stay in school. Further unexcused absences will result in a referral to the legal system for adjudication in accordance with KCA and Tribal Truancy Policy.

Communication Guidelines for Parent/Guardian and Students

Please call the front office to relay important messages to your child during the school day as students' use of cell phones or other personal electronic communication devices inside the school building is strictly prohibited. For related policies regarding use of personal electronic devices, see Electronic Device Usage Policy contained in the Technology Policy section below. The school's values and resulting behavioral expectations are in effect at school or on school grounds, at school sanctioned activities or events, while being transported by school approved vehicles, or at school functions/activities occurring off school property. Any violation of school rules, including cyberbullying, *during these times* will subject a student and/or conspirator to disciplinary measures and/or notification of law enforcement authorities, as needed.

Parent/Guardian or Student to School Communication

If a student or parent/guardian of a student have a concern regarding their student's education that they wish to address this with the staff directly, they are required to follow the conflict resolution and communication policy outlined below. The staff is not required to correspond to emails during the weekend.

Grievance/Communication Procedure

Communications policy regarding any student and school related concern, complaint, or formal grievance to honor due process. Employee and Board grievances must follow the Ute Mountain Ute Employee Policy, Section 8 Grievances and Appeals, pages 21-24.

Step 1 - Address Issue with Those Directly Involved. The grievant (typically the parent represents the student and the Head of School represents any staff member) must first bring the concern to the attention of the individual(s) directly involved. A meeting should be scheduled where the concerns can be expressed in private and in an environment conducive to resolution. If the grievant brings the concern directly to the attention of the School Leader without first attempting to address the issue at the lowest level, the School Leader may redirect the grievant to the appropriate level in the process.

NOTE: A grievant is not required to address the issue with the person directly involved if the grievant is alleging harassment or discrimination. In case of grievances relating to allegations of harassment or discrimination, please see the school's [Workplace Harassment/Discrimination Guidelines](#) please see the school's [Harassment/Discrimination Guidelines](#) available below in the Handbook. The HOS will serve as the Title IX coordinator. All Title IX complaints are to be emailed to Head of School.

Step 2 - Address Issue with School Leader. If a satisfactory resolution is not reached at the lowest possible level, or where the complaint directly involves the School Leader, the concern may then be brought to the attention of the School Leader. If feeling uncomfortable, either party may invite the school's Program Coordinator to be a part of the meeting to help resolve the issue. The School Leader will schedule a phone call or an in-person meeting within 48 hours of receiving the complaint (where possible) in order to address the situation, facilitate ongoing communication, and develop goals for conflict resolution. The School Leader will continue to monitor the issue until either a resolution or a mutual impasse is reached. *The complaint shall be in writing and shall detail (i) the date of the incident (if applicable); (ii) the School staff member involved; (iii) a description of the incident, decision, or practice that gave rise to the issue; (iv) the conflict resolution strategies that have been attempted thus far; and (v) the grievants requested resolution. Within five calendar days from the date on which the written statement was received, the School Leader will either issue a written response to the grievant or contact the grievant to schedule a time to discuss the issue.*

Step 3 - Prepare a Written Grievance for the Board of Directors. In cases only when a concern has not been resolved at Steps 1 or 2 or only when a mutual impasse has been reached, the grievant may file a formal written grievance with the school Board President. The written grievance must detail (i) the date of the incident (if applicable); (ii) the School staff member involved; (iii) a description of the incident, decision, or practice that gave rise to the issue; (iv) the conflict resolution strategies that have been attempted thus far; and (v) the grievants requested resolution.

Current contact information for the Board President can be found on the School website, under the 'Board of Directors' page. Within 10 days from receipt, the Board President, or his/her designee, will review the written grievance and provide a written response to the grievant either determining that the grievance has merit and warrants full review by the entire Board of Directors or declines to review the written grievance for lack of merit. If the Board President, or his/her designee, determines that the grievance warrants full review by the entire Board of Directors, the Board shall review the grievance at its next regularly-scheduled Board Meeting and issue a written decision to the grievant within 10 days of the meeting. If declining review, the Board's written response to the grievant will explain the reasons for the determination.

While any member of the public is always welcome to speak in an open board meeting, no grievance issue will be addressed by the Board without the grievant having first followed these proper procedures outlined in this policy. Issues of employee or student privacy may only be addressed in Executive Session, as is legally proper.

Step 4 - Submit a Written Grievance to the Colorado Charter School Institute Executive Director. If the grievant is not satisfied with the School Board's determination not to review the written grievance or the written resolution reached by the School Board after reviewing the grievance, the grievant may submit its concerns in written format to the Institute's Executive Director within five business days from receiving the written decision from the School Board President. After review, the Institute's Executive Director will publish his/her conclusions in writing within 15 calendar days from receipt of the written concern. The decision of the School's Board will not be overturned unless there are compelling grounds that the School violated an applicable law, regulation, policy, or contract provision. The Institute can be contacted at (303) 866-3299 or csi_info@csi.state.co.us.

Note: An employee will not be subject to any retaliatory action as a result of reporting conduct that is considered to be illegal sexual harassment or discrimination. Reporting false information considered defamatory could lead to immediate termination of employment. E-mail accounts are provided to employees to conduct work-related business only. No personal use of e-mail accounts is permitted in any circumstances. As such, all e-mail can and may be periodically monitored. Outgoing and incoming e-mail deemed to be offensive, pornographic, which promotes or incites negative marketing or public relations, promotes or incites threats to any individual's safety and security, or is otherwise deemed inappropriate, defamatory or unprofessional, is prohibited. Violations of this policy may result in immediate termination of employment.

E-mail addresses of students and families are confidential information of the e-mail address owner and are used for the purposes of communicating school-related business only. Any personal use by employees of email accounts belonging to students, parents, or community members or any distribution lists containing such e-mail addresses may result in immediate termination of employment. This includes communication relating to the employment relationship of the employee and any business of any individual that is deemed to be private and confidential, or any e-mail deemed to be offensive, pornographic, which promotes or incites negative marketing or public relations against the school or any individual at the school, promotes or incites threats to any individual's safety and security, or is otherwise deemed inappropriate, defamatory or unprofessional.

Distribution of Unauthorized Materials Guidelines

The distribution of unauthorized material on school property or the distribution of material in violation of school distribution rules is prohibited. Consequences for violating this procedure will be determined by the administration and based upon the severity of the infraction.

Student Dress Code Guidelines

The purpose of the KCA dress code is to create a professional, safe and respectful community where students can place their focus on learning without distractions. Dress codes contribute to a positive school culture and can set the tone for serious work. The dress code is in effect from the start of the school day until the end of the school day. Students are always allowed to change into athletic wear for electives, physical education classes and after school activities.

Exposed midsections are not acceptable. Students may wear long pants, jeans, shorts, or skirts - each worn with the waistband at the waist so underwear is not exposed. Skirts, dresses and shorts should be no shorter than fingertip length and appropriate for school. Straps on shirts need to be two fingers wide. Excessively baggy pants and pajamas are not acceptable.

Shoes should be considered appropriate for the school environment and the activities planned on any given day. Flip-flops are not acceptable as they can lead to injury during PE or recess. Teachers will be responsible for letting students know when open toed footwear is not appropriate. Earrings are allowed but staff may request students to remove their jewelry if it poses a safety issue. Hats, hoods, bandanas, do-rags, and sunglasses are not allowed to be worn inside the school building at any time unless they are ceremonial in nature. Text on clothing or accessories that promote violence, alcohol, gangs, or drugs is prohibited.

Professional Dress Standards for all School Presentations

Kwiyagatu Community Academy promotes teaching our students how to project a professional image through their clothing choices. Students will be presenting their work to others as a regular part of their academic experience on designated dates. Students should be dressed professionally to participate in these presentations. This includes any and all formal in-class presentations, POL's (Presentations of Learning), scheduled exhibitions, student led conferences, and similar events. Faculty will remind students when there is an expectation of professional dress and we will assist students in planning for these experiences.

For males, this means a button-down shirt, a vest, a nice pair of slacks (no jeans), dark socks and dress shoes (no sneakers). For females this means a shawl, nice top, blouse or button-up shirt, skirt, dress shoes (no high heels).

Enforcement of the Dress Code

The faculty and staff of KCA will interpret and enforce the student dress code. A call home for appropriate clothing to be brought to school will be made under relevant circumstances for dress code violations. Alternatively, if a parent cannot be reached administration may provide temporary appropriate articles of clothing to be worn in order for the student to remain at school.

Drugs, Alcohol and Tobacco

Student, staff and parent use, possession, distribution, or sale of alcohol, tobacco or illicit drugs is prohibited on school grounds, at school-sanctioned activities, while being transported in school sponsored vehicles. Tobacco is recognized as a sacred cultural plant and will be allowed for educational and ceremonial use only. Student use may result in suspension and criminal charges in relation to illegal possession or use of alcohol and/or drugs. A student's violation of the above prohibitions at any time or in any place off campus where the student's conduct interferes with or obstructs the educational program or operations of the school, or the health, safety or welfare of students or employees may additionally result in disciplinary action in accordance with federal or tribal law. Students represent themselves and the school and community at all times and should keep this in mind when making choices or choosing behaviors outside of school. A student violation of this policy will lead to a

suspension, reporting to tribal authorities, and/or a recommendation for expulsion, as required by law, or at the discretion of the school.

The school will work with that student to get whatever support, counseling and/or treatment help they need as well as working with the student and their family to address the impact their behavior has had on the school community on a restorative justice basis. The family, when appropriate, will be required to report back with an assessment, diagnosis and treatment plan as a condition for re-admittance into the school. The second violation of this policy will lead to a recommendation for an expulsion hearing.

Adverse Weather Procedures and School Closings

When Montezuma Cortez School District Re-1 closes or delays school because of weather, Kwiyaqatu Community Academy will delay or close school. In the event of a school delay or closure due to inclement weather, the following communication steps will be enacted:

- Check the Cortez School and KCA websites for snow closure and delay announcements – we will be closed when they are closed to make it simple and consistent for families who have students in Re-1 schools and KCA.
- By 6:00 AM, KCA's website will have a posting about school being closed on our calendar link and an email will be sent to all families.
- By 6:00 AM, KCA will have contacted the media and added our delay/cancellation to their list.

Fire Alarms and Building Emergencies

Should an emergency require evacuation of the School, fire alarms will sound. All students, staff, and visitors are required to complete an orderly and safe evacuation of the classrooms and building. Students will proceed to designated areas with their teachers. Individuals will remain in the area until a member of the administrative staff gives the all-clear signal. All fire alarms are treated as real and must lead to an immediate evacuation of the building. Students must follow these evacuation procedures:

1. Silently follow staff directions and proceed out the nearest exit.
2. Do not grab backpacks or any belongings before exiting.
3. Meet in the designated evacuation location with the teachers.

Financial Procedures (Student and Parent/Guardian)

Students or parents may not sell any articles on school property without the permission of the administration. They may not make a collection of money or materials for their own purposes or for an organization to which they belong outside of school without prior permission from the administration.

School Fees

Parents/Guardians shall be responsible for paying school assessed fees for lunches, services and supplies provided by the school including technology. Parents can fill out a Free and Reduced Lunch form to see if they qualify for free or reduced lunch in order to be exempt from fees. Parents can choose to make small payments toward their required fees. Fees can be paid on Infinite Campus. Surplus balances on Fee accounts at the end of each school year will be moved and credited to that student's lunch account to be used the following school year. If a student is not returning the following school year, the Fee surplus will be credited to any available sibling's lunch account. Any Fee surplus that does not have an

associated lunch account to credit will be deemed a "donation" to the school, unless a refund is requested by the student's parent/custodian(s) prior to June 15th of that school year. Surplus balances on Lunch accounts at the end of each school year will be rolled-over to the following school year for each student. If a student is not returning the following school year, the Lunch surplus will be credited to any available sibling's lunch account. Any Lunch surplus that does not have an associated lunch account to credit will be deemed a "donation" to the school, unless a refund is requested by the student's custodian(s) prior to June 15th of that school year.

Medical Procedures and Emergencies

Kwiyagatu Community Academy will not have a full-time nurse on site in our school but the Program Coordinator will contact families if a student requires medical attention or needs to be picked up by the parents because of illness. We can store prescription medicines in a locked cabinet for your son/daughter to keep on hand in case of an emergency. There is a form to complete and all medications must be in their original container clearly marked with the name of the student, the name of the medicine and appropriate dosage instructions as prescribed by your child's doctor. Over-the-counter medications such as Tylenol, Motrin, etc. will be kept in the main office. Students will need parental/guardian permission to access over the counter medications. Students may keep inhalers for asthma in their possession unless parents/guardians wish to make other arrangements.

If a medical emergency occurs to a student at school, first-aid will be administered and the parent(s)/guardian(s) of that student will be contacted immediately along with school administration. If parent(s)/guardian(s) cannot be reached, a person listed on the student's health form (or emergency contact card) or the family physician will be contacted. If the situation warrants, the school will call Emergency Medical Service (911).

Personal Property Guidelines

All property brought to school is brought at the owner's risk. KCA cannot assume responsibility for any property belonging to students. Distracting or inappropriate objects will be taken from a student and returned at the end of the day. Repeated violations will require a parent/guardian conference. Students should not bring large sums of money to school. If it is necessary to bring a large sum of money, that money should be taken to the office for safekeeping. Students have no expectation of privacy with respect to personal belongings.

School Supplies

It is the responsibility of students to come with appropriate materials to school. The supply list is posted on the school's website. Students should have a dedicated notebook for each of their core classes and an adequate supply of pens and pencils. The school will do its best to notify students and families in a reasonable amount of time when items are needed for projects.

School Property

The school expects students to treat school property and equipment with care and responsibility. School property includes the building and grounds, equipment, books and all electronic equipment. Intentional actions to damage or harm school property will lead to a suspension and may lead to expulsion. Should the damage be deemed as an unintentional act, students may be given the option of reimbursing the school and/or completing community service as determined by the school.

Transportation Guidelines

Parents/guardians and students are asked to adhere to the transportation policy and traffic flow guidelines at all times.

Drop-off and Pick-up

Please drop off students by the driveway on the south side of the Education Building, unless you need to park and enter the building to pick up or drop off materials, forms or student supplies. Please park near Veteran's Park and walk your child in the Front Door.

(inset aerial photo here)

Vandalism

All students, parent and staff are urged to treat the building with care and respect. No one is to injure, destroy, deface or trespass on school property, and violation of this policy may result in criminal charges. Parents/guardians may be legally responsible for paying for any damage done to the building or school property by their child. People with any information about the damage done to the building, its contents or any school facilities or equipment should report it to the administration. Vandalism or defacement/damage to another member of the community's personal possessions is also a violation of this policy.

Weapons

Guns, knives, explosives, or weapons of any type are not permitted in the school, on the campus, anywhere on the premises, and at any off-campus school related activities or events. Knives may be present on school grounds if used for cultural and ceremonial educational activities. Violations may lead to expulsion and will be subject to mandatory referral to the criminal justice or juvenile delinquency system. Items that appear to be weapons are banned as well.

Gun-Free Schools Act

The school exercises a zero tolerance for weapons of any kind (including toys that appear to be weapons) and will enforce federal and tribal law regarding weapons, explosives and firearms. Any weapons that are covered by the Guns Free School Act Title 18 USC 921, and other relevant Tribal policies, will not be allowed in school. Guns with no ammunition may be allowed in school for Ute cultural and historical education.

SECTION 4 - Academic Procedures

Academic Focus

Student engagement in academics drives student success. Students are motivated to learn if they believe that what they do in school is relevant to their future and interesting to them today. KCA will empower teachers to create an emotionally and intellectually safe, collaborative atmosphere, where students grapple with challenging tasks and the big ideas of life, where students feel that everyone has something to contribute to a final product that is beautiful, powerful, and meaningful.

Research supports the notion that we learn by doing and we learn from our mistakes. Learning is optimal when we grasp abstract concepts by comparing, grappling, taking apart, reconstructing and applying; we master skills through practice, expert feedback, and practical application; and we retain information that is investigated and used in the context of real-world events that matter to the learner. It is the goal to teach our students to think critically, evaluate, analyze, make relevant and valid judgments, discriminate among values and communicate ideas with others. This can be achieved by providing the opportunity for our students to take risks, make mistakes, receive feedback, and refine their work and making learning an iterative process.

Coursework is designed to provide an academic environment to develop and hone critical thinking skills and problem-solving abilities with a curriculum that focuses on depth over breadth through Project Based Learning (PBL).

Academic Honor Code

Academic integrity lies at the center of our commitment to foster a positive school culture. Successful learning is grounded on mutual trust and respect between teacher and student. We expect each student to take responsibility for his or her learning by demonstrating integrity and commitment to honesty in his or her work. We expect students to have the courage to ask for assistance, the curiosity to research their ideas, and, above all, to do their best in all of their learning. Students are responsible for following the Academic Honor Code with all assignments and in all disciplines.

Violation of the Academic Honor Code may take several forms, including, but not limited to, plagiarism, cheating and copying. Any of the following, without full acknowledgement of the original source, counts as a violation of the Honor Code:

- Direct duplication by copying another's work, whether from a book, article, web site, another student's assignment, etc.
- No student should knowingly allow his or her work to be copied.
- Inclusion of images, text or other forms of media in whole or in part from the internet or other electronic resource without proper citation.
- Duplication in any manner of another's work during a quiz, test, assessment, or exam.
- Paraphrasing another's work closely, with minor changes but with the essential meaning, form and/ or progression of ideas maintained without proper citation.
- Piecing together sections of the work of others into a new whole.
- Submitting one's own work that has already been submitted for assessment purposes in another subject or at another school.
- Producing assignments with other people (e.g., another student, a tutor) that should be your own independent work.
- Using often-quoted phrases without citation.
- Pressuring others to violate the Academic Honor Code.
- The presentation of group work as an individual, independent work, or the presentation of an individual's work as a group.

- Falsifying, creating and fabricating information, data, or sources.

Most cases of plagiarism can be avoided by citing sources. Simply acknowledging that certain material has been borrowed, and providing your audience with the information necessary to find that source, is usually enough to prevent plagiarism.

"What is Plagiarism?." *Plagiarism.org*. 2010. iParadigms, LLC, Web. 4 Jan 2010.
(http://www.plagiarism.org/plag_article_what_is_plagiarism.html)

Consequences for breaking the Academic Honor Code

Consequences for not following the academic honor code may include receiving a zero on the assignment, failing the course, suspension and/or expulsion from school. Students may also receive and complete an extensive assignment, which will include but may not be limited to a presentation about academic integrity to a group of their peers, a reflective essay, interviews, and research.

Academic Effort

Kwiyagatu Community Academy strives to create an environment of academic rigor that will prepare students to excel in middle school, high school, college and life beyond. Consistently living the values of inquiry, problem solving, and "doing your best" is critical to academic success. The school expects that each student will give their best effort with all academic work.

Homework: Teachers will assign homework to students on a regular basis. The homework will be meaningful and relevant. It will serve an important purpose of extending the learning that goes on in the classroom. Homework may be given Monday through Thursday. Weekends and holidays are primarily reserved for family time. Students may elect to use the weekends to review materials, make up work, complete projects, and enjoy recreational reading. Assignments shall be designed so that the typical student can complete all homework, including time for studying and preparing for exams, in the average minutes shown.

Grade K - 15 minutes daily

Grade 1 - 20 minutes daily

Grade 2 – 30 minutes daily

Grade 3 – 40 minutes daily

Grade 4-5 – 50 minutes daily

Parents/Guardians Role with Homework: Parents/Guardians must be aware and supportive of their child's efforts with homework. Parents/Guardians are expected to actively check and review their child's homework, and let teachers know if their child is struggling with homework. Parents/Guardians may assist students with their homework, but should never do it for them. Parents/Guardians should review their child's homework for quality and completeness.

Academic Probation: Students who do not complete class work/projects regularly will be placed on academic probation. Parents/guardians will be notified by the child's advisor and will be required to become more involved in their child's education. The parents/guardians, teacher and the student will develop a plan to get the student off academic probation. The student may also be required to complete a weekly academic contract. If academic effort continues to be a problem, a conference with the parents/guardians will be held to discuss more serious steps that may include retention or expulsion.

Grading Procedures

To go on to the next grade, students must meet the performance outcomes in all Core Classes or complete an individualized credit recovery program.

POL's - Presentations of Learning: required POL's take place several times each semester. POL's are formal presentations that students make in front of their classmates and visiting adults. Students present one or two projects they have completed during the semester, along with their progress toward reaching their social and academic goals.

Exhibitions: Many projects will culminate in a required public exhibition. In preparation for exhibition night, each team rehearses for a public audience. Exhibition is a time for students to share their learning publicly in a formal manner. Some exhibitions will be off campus.

Incomplete: A student may earn an Incomplete under two circumstances: 1) If a student has demonstrated outstanding effort throughout the year, but has missed several concepts that are necessary to learn, and needs extra time in order to achieve mastery of those concepts, or 2) If there has been an extended excused emergency leave where a student missed a portion of the work that needs to be made up. Teachers will determine deadlines for submission of incomplete work as well as the associated consequences and final grade. These unique learning measures and alternative assessment methods augment state and authorizer accountability requirements. They offer ways to gauge and demonstrate the levels of attainment in vital aspects of our design principles that are not readily or adequately measured by standardized assessments.

Failure: To go on to the next grade, students must meet the performance outcomes in all Core Classes or complete an individualized credit recovery program.

Mastery in core academic studies will be demonstrated through a variety of means, including exhibitions of work, presentations of learning (POLs), portfolios, traditional assessment tests, and standard grades.

Make-Up /Late Work Policy: If a student is absent from school, it will be the student's responsibility to make sure that all assignments will be made up upon return. All communication about missing work should be conducted with the student's teachers.

Corrective Action: Teachers staff will make regular use of student performance data to inform instructional practices. Both "snapshot" and longitudinal data will be used in addition to embedded assessment to identify students in need of remedial support.

Corrective intervention will begin when students are not making sufficient growth in a year's time. Depending on the unique situation of the individual student, any or all of the following strategies will be pursued in an attempt to remedy the situation:

- The student's teacher may begin a remedial program that will include any or all of the following: additional instructional time with the teacher, other staff, or parent/guardian volunteers; at-home work; or after-school work.

- The student's teacher may call for a conference with parents/guardians or guardians to discuss possible interventions. This conference will explore specific strategies for increasing the student's achievement.
- The student may be referred to special education services after tiered interventions fail to increase the student's growth. Those responsible for special education services will work in conjunction with the classroom teacher to identify the root problem and create a remedial strategy for that student.
- The student may be recommended for testing to establish whether an Individual Education Plan (IEP) is needed.
- As a last resort, grade retention may be required.

Promotion Requirements and Grade Retention

To go on to the next grade, students must meet the character and academic performance outcomes in all academic classes or complete an individualized credit recovery program.

Promotion decisions for students with disabilities will take into account student attendance, whether the student has been retained before, and progress towards/completion of curriculum/IEP goals. Factors specific to students with disabilities, including transition planning, and the use of an alternate assessment, may also be weighed. For example, for each year that a student is retained, he or she forfeits a year of valuable transition services following high school, to which they are entitled under the Individual Disabilities Education Act (IDEA).

In addition, the following must be considered and documented before retaining a student with a disability:

1. Whether evidence exists that retention is a viable intervention that will accelerate the student's academic performance and allow them to catch up to and maintain skills with their grade-level peers.
1. Whether all special education and related services documented on the student's IEP (504) have been fully implemented and progress data documented.
1. Whether appropriate accommodations and modifications, enabling the student to access the curriculum successfully in spite of his or her disability, were fully implemented in the general education classroom.
1. Whether adequate behavior interventions were implemented and monitored to improve student performance (i.e., organizational support, Functional Behavior Assessment, etc.).

The IEP team must, as with any other decision, examine all relevant documents, evaluations, teacher and parent reports, and other information in arriving at an appropriate promotion or retention decision for a student with a disability, consistent with that student's individual needs and abilities.

Report Cards and Progress Reports

Report cards will be posted at the end of each semester on Infinite Campus.

Student-Led Conferences

The primary value for requiring student-led conferences is to increase accountability and ownership, which moves the student from passive, and frequently second-hand, recipient of information shared between teacher and parent/guardian, to an active participant in a thoughtful discussion with their parent/guardian concerning their academic and character development. The student is in charge of their conference with the parents/guardians while the teacher serves as a discussion facilitator. The goals of student-led conferences are:

- to encourage students to accept personal responsibility and ownership for their academic performance and character development;
- to teach students the process of self-evaluation;
- to facilitate the development of student's organizational and oral communication skills and to increase their self-confidence;
- to encourage students, parents/guardians, and teachers to engage in open and honest dialogue;
- and to increase parent/guardian participation at conferences.

SECTION 5- School Culture and Discipline Procedures

Kwiyagatu Community Academy will maintain a safe learning environment that is focused on academic excellence. Students are expected to have high standards of responsibility, constructive behavior, and a code of ethics that fosters personal and academic growth. These standards are the cornerstone of our positive school culture. The ultimate goal is for students to be well prepared for the next phase of their life and academic path.

Consistently living these core values is expected of all students for their benefit and the benefit of the entire school community. Students are expected to support their peers in adhering to the core values of the school. School authorities have the right and responsibility to assist in managing student conduct to create an orderly and safe learning environment. Conduct which disrupts learning or threatens to disrupt the operation of the school; interferes with the rights and privileges of students or other citizens; which endangers the health, safety or welfare of any person; or which damages property will not be tolerated.

Kwiyagatu Community Academy embraces an emphasis on repairing the harm done by inappropriate behavior through "restorative justice". The offender will be expected to take responsibility for his/her action(s) and to "repair" the harm they have done by apologizing, returning stolen money, property, or doing community service. Every effort will be made to work with behaviorally challenging students. Our Head of School and grade level teacher will work with students, and sometimes families, to determine the root cause and rectify detrimental behaviors.

The school's values and resulting behavioral expectations are in effect at school or on school grounds, at school sanctioned activities or events, while being transported by school approved vehicles, or at school functions/activities occurring off school property. Any violation of school rules, including cyberbullying, during these times will subject a student and/or conspirator to disciplinary measures and/or notification of law enforcement authorities, as needed.

Students, parents/guardians and staff are expected to respect others and support teaching and learning. Anyone engaging in offensive behavior may be subject to discipline including the possibility of suspension or expulsion proceedings.

Student Expectations

Compassion: Students, parents/guardians, and staff are expected to act with compassion for others. Students will demonstrate their understanding of, and empathy for an idea or a feeling by paraphrasing it accurately, building upon it, clarifying it, or giving an example of it. Student behavior that is unacceptable includes disrespecting the ideas of others, talking over others, cruelty, and ridicule.

Respect: Students are expected to respect our staff and their peers and support the teaching and learning expectations of the school. This includes how we talk and interact with one another and how we respect each other's property and personal space. Students communicate this respect through their appropriate actions, words, tone of voice, and body language. Student behavior that is unacceptable includes: offensive language and gestures, talking back or disrespecting a staff member, ignoring or refusing to complete a staff request, or disrupting a class or another student's learning. Threatening, slandering, causing physical harm, bullying of peers, sexually harassing, or stealing are unacceptable behaviors and could be subject to suspension or an expulsion hearing.

Integrity: All members of our community are expected to conduct themselves with honesty, reliability, and caring for themselves and others. Students, staff and parents/guardians are expected to take responsibility for their behavior, actions, and commitments. Students assume the responsibility of abiding by all school rules. Students must be on time to school, all classes and other school activities. When a student takes an inappropriate action or makes a poor choice, that student is expected to take full responsibility for his/her behavior. Students must never lie or give false information to a faculty or staff member. They must commit to abide by the Academic Honor Code with all of their academic work. Being honest in all their actions and admitting to wrongdoing is essential to integrity.

Effort: We recognize that success is connected to action and effort. We expect all members of the school community to recognize the need to act when action is called for; to step forward in response to a situation or problem; and to take responsible risks as the situation may call for. All members of our community are expected to engage in analytical thinking through investigating problems or situations, and then developing strategies to solve them. Students and staff will be expected to collect evidence to indicate their problem-solving strategy is working, and if one strategy doesn't work, they will know how to re-strategize and try another. This methodology will be a functional part of our discipline approach.

Students who fail to live these core values by exhibiting one or more of the unacceptable behaviors listed above will be subject to the discipline process and appropriate consequences outlined in this handbook.

Public Displays of Affection

Public displays of affection while at school, on school grounds, or at school-sponsored activities are not acceptable. Inappropriate touching with hands or other parts of the body is not permitted.

Student Aggression (Bullying)

Kwiyagatu Community Academy is committed to promoting a safe learning environment by understanding the causes of bullying behavior and reducing the incidence of student aggression overall. It is well documented that students who feel safe learn more easily, quickly and freely. Bullying is defined by the State of Colorado as "ANY WRITTEN OR VERBAL EXPRESSION, OR PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE; OR AGAINST WHOM FEDERAL AND TRIBAL LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASIS. THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS."

KCA believes that bullying can also be subtle in nature. We further define bullying as unwelcome, harmful behavior towards another person. This behavior must be purposefully annoying, alarming, bothersome, and/or physically or emotionally injurious. Bullying can take the form of, but is not limited to, verbal and/or written remarks, gestures, innuendos, gossip, exclusion, symbols, or physical contact. Any student who believes that he/she has been subject to bullying, or who believes that they have witnessed bullying should immediately inform the person engaging in the offensive behavior that the behavior is un-welcomed and must stop. He/she should inform the school administration, Behavioral Health Specialist, or School Counselor of the incident immediately. Students who violate this policy will be subject to disciplinary consequences.

Harassment

KCA maintains that it is critical that all members of our community respect each other's rights, individuality and differences. Courtesy, tolerance and mutual respect provide the platform for sharing, learning, innovation and personal development. Accordingly, it is the policy of KCA to prohibit sexual harassment or harassment of any kind, including harassment based on race, creed, color, religion, sexual orientation, transgender status, age, national origin, ancestry, disability, need for special education services, marital status, or public assistance. The HOS will serve as the Title IX coordinator. All Title IX complaints are to be emailed to Head of School.

Sexual harassment refers to behavior that, among other things, is not welcome, is personally offensive, or undermines or weakens morale. Sexual harassment includes any unwelcome verbal, physical, visual or electronic conduct that has the purpose and/or effect of creating or contributing to an intimidating, hostile or offensive environment or that unreasonably interferes with the recipient's educational progress or personal security.

Any student, parent or guardian who believes that he/she has been subject to harassment, or who believes that they have witnessed harassment should inform the school administration of the incident immediately. The party receiving the complaint is expected to acknowledge receipt of such complaint within 24 hours and cause to commence an immediate, thorough investigation of the allegations. Complaints will be kept confidential to the maximum extent as possible. The investigation will be conducted within a mutually agreeable time frame to both the student/parent/guardian making the complaint and the party to whom the complaint was reported, at all times maintaining the intent to be concluded within the shortest time frame possible, but allowing enough time for thorough investigation

into the allegations made. KCA is committed to safe and secure resolution process that respects the rights of all parties to a complaint. All parties involved in the complaint have the right to a fair and confidential process.

KCA prohibits any form of retaliation against any community member for filing a bona fide complaint under this policy, or for assisting in the complaint investigation.

If, at the completion of an investigation, KCA determines that any member of the KCA community is guilty of discriminatory or harassing behavior, appropriate action will be taken against the offending party and may result in immediate suspension or expulsion of a student.

KCA prohibits intentional provision of false information regarding any complaint. Making a false accusation about a staff member that is intended to harm their professional reputation may result in legal consequences. Also, because a false report of harassment can have damaging effects on the reputations of innocent individuals, false accusations are subject to the same form of disciplinary action.

Student Searches

We reserve the right to examine and/or search a student's person and/or personal property, including but not limited to backpacks, cell phones, and cubbies. This search may be made at the discretion of the school administration if a reasonable suspicion arises that items considered illegal, unauthorized, disruptive, or a general nuisance to the educational process are being kept at school. School administration will detain a student if there is a reasonable suspicion that a student has drugs, alcohol, narcotics, weapons, explosives, or other dangerous contraband in his possession, and if such possession constitutes a clear and imminent danger to the safety and welfare of the student, other persons, or school property. Furthermore, school administration will notify parents/guardians and the appropriate law enforcement agency of illegal possession of such materials or illegal activity.

Parents and students are notified that the school has security cameras in place and these may be reviewed by school administration in the event of any incidents.

Student Discipline, Suspension or Expulsion

The purpose of disciplinary action at KCA is to ensure that individual students, their parents/guardians, and the community stay focused on growth and learning while fostering an environment of tolerance and respect. Inappropriate student behavior not only impacts the individual, but also exacts a cost on the larger school community. Students must understand that they are a part of a larger whole and are accountable to their peers and to the values and expectations of the community. Prompt resolution of the problem or issues is expected from the student and family. At any time, it is reported that a law has been broken, the school will notify law enforcement.

Authority to Impose Suspensions and Expulsions

The Head of School or his/her designee has the authority to impose suspensions and expulsions for behavior on or off school property. The Head of School or his/her designee will conduct an investigation of the circumstances presented, including consulting the student and affected parties. Parents are not required to be present but attempts will be made to contact parents as soon as possible. Law enforcement will be notified when necessary.

Suspension

Upon the occurrence of any matter that is subject to suspension as a penalty, the administration shall conduct an investigation and an informal hearing, unless an emergency prevents this, including an interview of the student, and after such hearing, has the discretion and may impose a suspension directly if he/she determines it is culturally appropriate. If the administration determines that a student is to be suspended, the administration shall provide written or verbal notice to the student's parents and/or guardians of his/her determination, including reasons for the suspension and the time period for the suspension, and the time and place for the parent, guardian, or legal custodian to meet with the suspending authority to review the suspension. The suspended student shall be provided an opportunity to make up school work during the period of suspension for full or partial academic credit to the extent possible. The student and his/her parents must meet with the administration prior to returning to school, or in the discretion of the administration, the administration agreeing to hear an appeal of the suspension.

Right to Appeal Suspension

Student or parent can appeal suspension the previous described the grievance procedures.

Expulsion

If the administration determines that consideration of expulsion is warranted, the administration shall impose a suspension pending an expulsion hearing, but not to exceed the 10 days.-The administration shall provide written notice to the student's parents/guardians of the reasons for suspension and explain the expulsion hearing process and the date of such expulsion hearing.

The administration will hold an expulsion hearing in which the Head of School shall serve as the hearing officer. The student shall have the right to legal representation and the right to present evidence at the expulsion hearing. The Head of School will consider evidence and/or testimony as appropriate and will render a decision that shall be in the best interests of the student and the school within five days of the hearing. If the Head of School determines that a student is to be expelled for a period not to exceed one year, the Head of School shall inform the student's parents and/or guardians of his/her determination in writing, including the reasons for expulsion.

The administration shall immediately notify the Board President of the school of an expulsion and shall report on each case of expulsion at the next meeting of the school's board of directors, briefly describing the circumstances and the reasons for the executive officer's action.

Right to Appeal Expulsion

In accordance with Tribal Due Process Policies the parents and/or guardians (or, if at least 18 years of age, the student) shall have ten (10) days from the Head of School's written expulsion determination to submit a written request of appeal to the Kwiyaqatu Community Academy's Board of Directors after which time the decision to grant or deny the appeal shall be at the discretion of the Board of Directors. In response to the written request for an appeal, the president of the board shall convene an executive session of the Board of Directors. A hearing on the appeal shall be convened within ten (10) days of

receipt of a timely written request for an appeal. At the hearing on the appeal, the student shall have the right to counsel and the appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of directors. The decision of the board of directors on appeal shall be final.

Discipline Plan

The following are corrective steps, or disciplinary actions of escalating levels of punishment, for serious or repeat offenses by students. At the administration's discretion, each step or action may include, but is not limited to:

- A verbal warning to the student;
- Verbal or written (email, phone call, or face to face) parent/guardian notification;
- A parent/guardian, student, and administration/Counselor/Teacher Leader conference;
- A written contract between the student and the school to improve behavior or performance;
- Suspension;
- Expulsion

Suspension

The following is a list of, but is not limited to, offenses that shall be grounds for suspension:

- Continued willful disobedience, open and persistent defiance of proper authority;
- Willful destruction, defacing, or attempting to cause damage or vandalism of school property or private property;
- Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel including behavior that creates a threat of physical harm to the child or to other children;
- Committing an obscene act including those motivated by bias, prejudice, or sexually based;
- Engaging in habitual profanity or vulgarity;
- Engaging in, possessing, or distributing drugs, alcohol, or vaping devices or supplies;
- Engaging in sexual harassment or other harassment;
- Engaging in verbal abuse including, but not limited to:
 - Arguing with a staff member;
 - Ethnocentric/racial slurs or display of symbols associated with hatred;
 - Derogatory or vulgar language; or
 - Sexually explicit or sexually derogatory language or images.
- Violating the Code of Academic Integrity by plagiarizing or other forms of cheating on assigned school work;
- Violating school's Internet and Electronic Mail Policy; or
- Violating classroom norms

Possible Exceptions are:

1. Cases of reasonable self-defense
2. Proof that the discipline issue was a manifestation of a disability, if a student who creates the threat is a child with a disability as defined by the state of Colorado C.R.S 22-20-103 (5)(a):
 - a. Long term physical impairment or illness

- b. Significant limited intellectual capacity
- c. Significant identifiable emotional disorder
- d. Specific learning disability
- e. Speech or language impairment

Alternatives to Suspension

- in-school suspension
- school service (for example, assisting custodial staff with after school clean-up, lunch clean-up, etc)
- mini course (substance abuse etc.)
- parent supervision
- counseling
- community service
- behavior monitoring
- restitution
- problem solving or behavior contract
- alternative programming
- loss of privileges (like lunch, recess, social time, etc)
- time out
- detention (before or after school)
- mentoring (with a teacher, counselor, or other staff member before or after school)
- behavioral contracts
- referral to our Behavioral Health Specialist

Expulsion

THE FOLLOWING OFFENSES REPRESENT POSSIBLE GROUNDS FOR EXPULSION

1. Carrying, bringing, using or possessing a deadly weapon without authorization of the school or the authorizer. A deadly weapon includes, but is not limited to, a loaded or unloaded firearm, a knife, a bludgeon or any other weapon/instrument which, in the manner in which it is used or intended to be used, is capable of producing death or serious bodily injury.
2. The selling of, including the exchange, distribution or gift of, drugs or controlled substances, as defined by state law, including anabolic steroids and prescription drugs.
3. The commission of an act that, if committed by an adult, would be robbery or assault as defined by law.
4. Declaration as a habitually disruptive student, defined as a student who caused a disruption anywhere during school more than three times throughout one school year due to willful and overt behavior by the student, requiring the attention of school personnel to deal with the disruption.

Expulsion related to Students with Disabilities

If the child who creates the threat is a child with a disability pursuant to section 22- 20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and

arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

Habitually Disruptive Students

Expulsion may be recommended for a student that has been declared "habitually disruptive." Habitually disruptive is defined as, "a child who has been suspended 3 times during the course of the school year for causing a material and substantial disruption to the learning environment, on school grounds, in school vehicles, or at school activities or events, because of behavior that was initiated, willful, and overt on the part of the child." The student and the parent/guardian shall have been notified of each suspension counted toward declaring the student as habitually disruptive and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

Disruptive behavior by a student identified as a student with disabilities, as defined by applicable law, will be managed in accordance with the student's individual education plan (IEP). Students with disabilities will be subject to recommendation for expulsion as a habitually disruptive student only if the student's special education team has made determination that the disruptive behavior is not a manifestation of the student's disability.

SECTION 6 - Technology Guidelines

Computer, Electronic Mail, and Internet Usage Procedures

We are pleased to offer students access to school computers, computer network and systems, electronic mail service and user accounts, the Intranet and the Internet (collectively "KCA IT"). KCA IT is provided for students to access electronic books for learning, conduct research and communicate with others in the process of achieving the goals of the curriculum.

Access to KCA IT is given to students who agree to act in a considerate and responsible manner. Access is a privilege – not a right. Access entails responsibility. Students are expected to adhere to the following guidelines and policies applicable to KCA IT. Students who violate these policies may be subject to disciplinary action.

These resources may not be used in any way that disrupts or interferes with use by others.

Students must respect all copyrights and licenses to software and other online information, and may not upload, download, or copy software or other material.

The following are some of the actions that are not permitted, and violations may result in a loss of access, restitution, as well as other disciplinary or legal action, including expulsion.

- Damage, vandalism or theft of equipment, systems or networks;

- Use of the computer equipment, networks and systems for unlawful purposes, commercial purposes or personal gain
- Violation of copyright law
- Plagiarism
- Theft, piracy, improper downloading or modification of software
- Transmitting computer viruses
- Sending or retrieving information that violates school policies and/or applicable laws (e.g., sending and/or retrieving information that is pornographic, vulgar, racist, sexist, abusive, harassing, offensive, or attacking)
- Any attempt to guess passwords, use another's password, break into other accounts, or gain unauthorized access to administrative accounts
- Trespassing in another's portfolio, folders, work or files
- Concealing or misrepresenting one's identity while using the system
- Intentionally wasting limited resources
- Any use which is unlawful under applicable State or Federal law
- Any use which the school determines is objectionable in its sole discretion

Laptop Computers

Upon parent/guardian and student signature of the Student and Parent/Guardian Handbook Contract (located at the end of this Handbook), each student may be assigned a Laptop to use during class. Use of the laptop is a privilege that can be revoked at any moment. The use of the laptop and all school technology resources is governed by the acceptable use policy below. The school reserves the sole right to enforce the acceptable use policy and to limit or take away a student's privilege to use a school laptop at any time. Parents or guardians may not use the student's email account to obtain student email accounts, send emails to any student or group of students without the permission of the administration. Students may not use their own personal computers, tablets, or any other network access devices on the KCA network.

Students are responsible for their own behavior on the KCA IT system, just as they are everywhere in the school environment. Communications on the system are often public in nature. General school rules for behavior and communications apply.

It is presumed that users will comply with school standards. Aside from the clarification of such standards, KCA is not responsible for restricting, monitoring, or controlling the communications of individuals utilizing the network.

Access/No Expectations of Privacy

KCA IT and all user accounts are the property of KCA. As such, KCA reserves the right to monitor and access information on the system and in user accounts. Network storage areas may be accessed to review files and communications, maintain system integrity, to ensure that users are using the system responsibly and to ensure there are no violations of school policies.

There is no right to privacy nor should any user of KCA IT have any expectation of personal privacy in any matter stored in, created, received or sent over KCA IT. These are subject to review by the school at any time, with or without notice, with or without cause and without the permission of any student or parent/guardian. The school reserves the right to monitor, access, retrieve, download, copy, listen to or

delete anything stored in, created, received or sent over school computer networks, computers, email system or any other KCA IT, without notice and without the permission of any user.

Moreover, to protect the integrity of the KCA IT and the users thereof against any unauthorized or improper use of these systems, MMS reserves the right, without notice, to limit or restrict any individual's use, and to inspect, copy, remove, or delete any unauthorized use of this technology upon authorization of the Head of School or his/her designee.

Internet

Access to email and the Internet will enable students to explore thousands of libraries, databases, and bulletin boards while exchanging messages with Internet users throughout the world. Families are reminded, however, that KCA does not control the content of the Internet. Accordingly, KCA does not have control over the type of information accessible to students or the quality of the same. KCA cannot completely limit access to materials that a parent/guardian or family might consider inappropriate. While our intent is to make Internet access available to further educational goals and objectives, students may find ways to access other materials as well.

The school believes that the benefits to students from access to the Internet, in the form of information resources and opportunities for collaboration, exceed any disadvantages. Ultimately, parents and guardians of minors are responsible for setting and conveying the standards that their children should follow when using media and information resources. To that end, KCA supports and respects each family's right to decide if their child should not have Internet access, and relies on the family to inform us of that choice. The appropriate use of this resource is the responsibility of the user.

Electronic Device Usage Policy

Kwiyagatu Community Academy provides technology for the educational benefit of members of the community. All personal electronic devices must be off during school hours and stored in backpacks before the student enters the building and not out and in use until students exit the building at the end of the school day. Headphones may only be used in the school when provided by and under the supervision of a staff member.

Text messaging, IMing, emailing, playing games, watching videos, listening to music, FaceTime or similar video conferencing and live chat, and all other use of personal electronic property or abuse of school provided electronic property during scheduled school activities is strictly prohibited.

If students do not keep these electronic devices turned off and stored, or if students are identified engaging in any prohibited activity with personal or school provided electronic devices during scheduled school activities, a teacher or staff member will confiscate the item and remove that student's privileges with regard to any school or personal electronic device they were abusing their right to use. Parents/Guardians must come to reclaim personal electronic devices from the teacher who confiscated the device at the end of the school day. If a student continues to violate this policy, they will be required to check their phone in at the front office at the beginning of the school day and reclaim their device at the end of the school day for a set period of time. The school will not be responsible for lost or stolen items or items that are confiscated.

KCA acknowledges that removing student privileges to use school provided electronic devices may result in an inability for that student to engage in academic instruction, however abuse of the privilege to use such devices will not be tolerated. Student privileges will be granted to resume at the discretion of the teachers and/or head of School, and may only be resumed after conference with a parent or guardian, depending on the severity of abuse of privileges that occurred.

Tech Repair Fees

In the event of such damage being caused to the laptop due to mistreatment of the equipment by students, families will be required to pay the tech repair cost. Cost will be determined by the damage done and the price to repair the device.

SECTION 7 - Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records and gives parents/guardians rights to review student education records.

FERPA gives parents and guardians certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents/Guardians or eligible students have the right to inspect and review the student's education records maintained by the school and the right to request a correction of a student's education records. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents/guardians or eligible students to review the records. Schools may charge a fee for copies.
- Parents/Guardians or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent/guardian or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent /guardian or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent/guardian or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with a legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and

- State and local authorities, within a juvenile justice system, pursuant to specific State law.
- Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, grade level, honors and awards, and dates of attendance. However, schools must tell parents/guardians and eligible students about directory information and allow parents/guardians and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents/guardians and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.
- The school shall provide all student records, including discipline records to a school to which a student transfers, and no parental permission shall be required for the same. Parents/guardians have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa>

Student Records

The school maintains important information files on each student. You and your parent(s)/guardian(s) may review those records with reasonable advance notice given to the school. School officials may obtain access to your records for educational purposes only. All individually identifiable educational information is confidential except for "directory" information. Directory information includes the student's name, participation in officially recognized sports and activities, height and weight (for athletic teams), dates of attendance, degrees and other honors awarded.

Student Records and Withdrawal Process

The withdrawal process requires that parents or legal guardians meet first with each teacher to get their student's final grade in each class and clear all classroom needs including school technology. The parents must then meet with the site manager to clear any outstanding fees or fines. The final step in the withdrawal process is to meet with the school administration. Once the withdrawal form has been completed by the parents and student and signed by the Head of School, the family can enroll in a new school. The new school, after receiving the signed withdrawal form, can request student records from MMS.

Federal Compliance—Parent's Right to Know

As a condition of receiving Title I, Part A funds at the local educational agency (LEA) level, CSI must ensure CSI-authorized schools are in compliance with specific requirements of the Elementary and Secondary Education Act (ESEA), as amended. Under Title I of ESEA, parents have the right to know the

professional qualifications of the classroom teacher who instructs their child(ren). See ESEA§1111(h)(6). If a parent has a concern, they are to contact the Head of School.

Media Release

KCA will periodically create publications to highlight student achievement, school life and school events. These publications will be developed for the purposes of admissions, public relations, fundraising, and other uses that promote the school. We will honor the Student Photo/ Media Release form completed by families during the registration process.

SECTION 8 Parent Form:

Kwiyagatu Community Academy

Student and Parent/Guardian Handbook Agreement

Student:

- I agree to attend school on every scheduled day, be on time, and ready to learn.
- I agree to give my best effort to all of my academic work. I will complete my homework every night, actively participate in class, ask questions when I don't understand something, and seek extra help when I need it.

- If I am absent, I will take responsibility for bringing in documentation, getting missed assignments and making them up in a timely manner.
- I agree to be a positive participant in all aspects of the Kwiyaqatu Community Academy programs including, but not limited to, field trips, group discussions and activities, projects, assessments, presentations of learning, exhibitions, and all other instruction.
- I will abide by the dress code.
- I understand that I am responsible for my own behavior, and I agree to comply with all the rules and policies of as stated in the Kwiyaqatu Community Academy Student and Family Handbook.
- I agree to respect the physical environment of my school by picking up my belongings in my classroom and in all other areas of the school, using the organization and storage facilities offered in my classroom for my belongings, not touching or moving another person's belongings, cleaning up any mess that I make, respecting the bathrooms and refraining from intentional mess and uncleanliness.
- I agree to follow all the written and verbal instructions given by all staff members of Kwiyaqatu Community Academy.
- I agree to follow all computer policies and procedures as stated in the Student and Family Handbook and technology agreement.
- I agree to refrain from destroying or damaging private or school property, and I agree to pay, either by cash or by school service, for anything I damage. I understand that if I damage computing equipment my privileges concerning the use of this equipment may be temporarily or permanently revoked and I will make restitution for the damages.

I understand that Kwiyaqatu Community Academy will have consequences for the following issues:

- **Academic Honesty:** I agree to complete my own academic assignments and understand that cheating and plagiarism is not allowed.
- **Drugs:** I agree to refrain from the use or possession of alcohol, tobacco, marijuana and other illicit drugs or intoxicants.
- **Weapons:** I agree to refrain from the possession of knives, guns or any other type of weapon on campus.
- **Violence:** I agree to refrain violence, assault, and bullying.
- **Harassment:** I agree to refrain from verbal or physical abuse of anyone at the school on the basis of race, gender, religion or sexual preference.

I understand that if I do not give the appropriate effort or meet any of the above commitments, loss of privileges, suspension, or expulsion could result.

Parent/Guardian:

- I acknowledge that Kwiyaqatu Community Academy is a project-based learning model and a school of choice.
- I agree to promote and support the staff, Board of Directors, programs, and policies of Kwiyaqatu Community Academy outlined in the Student and Parent/Guardian Handbook.
- I agree to see that my child attends school on every scheduled day and arrives on time.
- I agree to actively oversee my child's academic work on a daily basis and ensure that my child is giving his/her best effort.
- I understand that my child will not be promoted to the next grade unless he/she has met all the academic requirements of the school. Should my child not meet these requirements, I understand that my child may need to complete the work over the summer.

- I agree that, in the event of damage being caused to my child's netbook due to mistreatment of the equipment by my child, I will pay the full cost needed to repair the netbook or replace it if necessary.
- I agree to attend all meetings regarding my child's progress and success at scheduled by the Kwiyaqatu Community Academy staff, including but not limited to parent/guardian support meetings, academic conferences, progress meetings, and discipline conferences.
- I agree to come to school for a meeting if my child is suspended and I understand that a meeting must occur before my child returns to class.
- I agree to allow my child to travel and to participate in all field trips arranged by Kwiyaqatu Community Academy, and I hereby authorize my child to receive emergency medical treatment if I am unavailable.
- I agree that I will not knowingly allow my child to participate in an off-campus activity where drugs, alcohol or other illicit substances are consumed.
- I agree to abide by the school transportation policy in terms of drop off and pick up, and parking logistics.
- I understand that Kwiyaqatu Community Academy is a public charter school of choice however funding is not as open and flexible as it can be in the traditional public school. As a result, many of the capital and facility projects that need to be completed to offer our children the academic environment that will promote the mission and tenets of our school rely on volunteer support to be completed. I understand that being part of the Kwiyaqatu Community Academy community will include volunteering. I will make every effort to contribute volunteer time to the school. Therefore, as a parent/guardian of a Kwiyaqatu Community Academy student, I pledge that my family will make every effort to contribute a ***minimum of 10 volunteer hours*** to the school throughout the course of each academic year. I will contact the school administration office when I am available and be offered the opportunity to choose from the volunteer tasks that need to be completed at that time.

_____ I give permission for my child and the school to publish student work and photographs with the understanding that student last names and confidential personal information will not be published.

-- OR --

_____ I do not want any photos or directory information of my child published.

Please sign and return the attached acknowledgements to the main office.

Parent/Guardian Name

Parent/Guardian Signature

Date