

# TULE RIVER EDUCATION REVIEW BOARD (TRERB)

## ATTENDANCE AND ACADEMIC POLICIES AND PROCEDURES



### Purpose

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These policies and procedures are in accordance with the Amended Gaming Revenue Allocation Ordinance adopted by Resolution FY 2004-70, dated September 13, 2014 by the Tule River Tribal Council. The TRERB shall establish and enforce these policies and procedures as the designee of the Tule River Tribal Council by Resolution FY 2016-30. This policy is **not** to be interpreted by any individual(s) other than the TRERB and the Tule River Tribal Council.

### Scope

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This policy applies to school-aged Tule River tribal members.

### Glossary

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**Appeal Request** – A request to have a student in Non-Compliance Status challenged.

**Appeal Request Form** – Formal document required to begin the appeal process.

**Appellant** – Person challenging a student's Non-Compliance status.

**Attendance and Academic Contractual Agreement** – An agreement where the custodial parent/guardian and student acknowledges the terms to stay in compliance with this policy.

**Business Day** – Working day based on the Tule River Tribal Councils yearly schedule.

**Deliberate** – The TRERB shall make a decision.

Education Center  
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Porterville, Ca. 93257

Telephone: (559) 784-6135 Fax: (559) 783-8140

Study Center  
568 W. Olive  
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Telephone: (559) 781-1761 Fax: (559) 781-1922

Grading Period – Refers to the student’s school and its schedule to release grades, usually quarter or trimester.

Letter of Findings – Formal document with the TRERB’s decision based on evidence and/or testimonies provided.

Non-Compliance – Status in which the student does not meet the minimum requirements of this policy.

Notice of Hearing – Formal document with details regarding a hearing with the TRERB.

Notice of Non-Compliance – Letter sent to the custodial parent/guardian stating the reason for a student’s Non-Compliance Status.

Review Period – Will be determined by the TRERB yearly based on the distribution of Per Capita and grading periods.

School-aged – tribal members aged 4 to 21. Tribal members at least 4 years of age who are enrolled in a school and/or tribal members aged 18 to 21 who have not received their high school diploma/GED.

Special Needs – Status recognized by public school systems or the TRERB that identify students with disabilities.

Special Needs Request Form – Formal document required for the TRERB to recognize the student and/or custodial parent(s)/guardian(s) request.

Student Contact Forms – Required for the TRERB and Education Center to stay in contact with the student and his/her family.

Student Release Forms – Required by the parent, allows the Tule River Education Center to receive updates for enrolled members attending schools. Does not allow staff to retrieve report cards on custodial parent/guardian’s behalf.

TRERB – Refers to the Tule River Education Review Board.

Tribal Member – any person, regardless of age, who is an enrolled member of the Tribe on September 30 of the previous fiscal year in which a Per Capita Payment is made.

## Policy

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- 1.0 Attendance and Academic Contractual Agreement, Student Release Forms, and Student Contact Forms.
  - 1.1 All custodial parent(s)/guardian(s) of school-aged tribal members are required to complete and submit the Attendance and Academic Contractual Agreement, Student Release Forms, and Student Contact Forms. Failure to do so will result in Non-Compliance.
  - 1.2 It is the responsibility of the custodial parent/guardian to report any changes in status and submit updated Student Release Forms and Student Contact Forms.
  - 1.3 Attendance and Academic Contractual Agreements, Student Release Forms, and Student Contact Forms will be available at the Education Center or Tule River Indian Study Center.
- 2.0 Academic Information
  - 2.1 Students attending schools using performance level grading systems (Advanced, Proficient, Basic, Below Basic, and Far Below Basic) will be required to maintain performance level of Basic or better.
  - 2.2 Students attending schools using a Grade Point Average (GPA) grading system will be required to maintain a 2.0 GPA or better.
  - 2.3 Academic Information shall be reviewed after each grading period.
    - 2.3.1 The parent(s)/guardian(s) are responsible for submitting all student academic information, such as grades, to the Education Center or the Tule River Indian Study Center after each grading period.
    - 2.3.2 Academic information may be hand delivered, mailed, or faxed to the Education Center or Tule River Indian Study Center.
- 3.0 Attendance
  - 3.1 School-aged tribal members are required to be enrolled in a state accredited educational institution, or the Towanits School, and enrollment must be verifiable.

- 3.2 Students must maintain a minimum of 90% attendance per grading period.
  - 3.3 The parent(s)/guardian(s) are responsible for submitting all student attendance information to the Education Center or the Tule River Indian Study Center after each grading period.
  - 3.4 Academic information may be hand delivered, mailed, or faxed to the Education Center or Tule River Indian Study Center.
- 4.0 Absences
- 4.1 Any absence verified with a doctor's note shall be considered excused.
  - 4.2 Absences based on bereavement or family emergencies, with proper documentation, will be reviewed.
  - 4.3 Custody issues, with proper documentation, will be reviewed.
  - 4.4 Religious and/or Cultural Activities, with proper documentation, will be reviewed.
  - 4.5 Absences with special circumstances, with proper documentation, will be reviewed.
- 5.0 Special Needs Students
- 5.1 If a custodial parent/guardian feels their student may qualify for special needs, a Special Needs Request form must be completed each academic year. This form does not guarantee special needs status for a student, but is required for review.
  - 5.2 To qualify as a special needs student, the student must provide documentation from a professional medical or educational facility.
  - 5.3 The parent(s)/guardian(s) are responsible for submitting all student special needs information to the Education Center or the Tule River Indian Study Center.
    - 5.3.1 Parents will be required to provide documentation of continued progress.

5.4 Special Needs students shall be required to maintain a minimum of 90% attendance.

5.5 The TRERB may meet with parents as needed for academic progress.

## 6.0 Policy Compliance

### 6.1 Non-Compliance Status

6.1.1 Reasons for Non-Compliance may include, but are not limited to:

- A. Failure to maintain a performance level of Basic or better.
- B. Failure to maintain a 2.0 GPA or better.
- C. Failure to maintain a minimum of 90% attendance per grading period.
- D. Failure to sign and submit Attendance and Academic Contractual Agreements, Student Release Forms and Student Contact Forms.
- E. Failure to submit student attendance and academic information, such as report cards.
- F. Failure to maintain requirements of educational facility.

### 6.2 Monitoring

6.2.1 The Education Center will be responsible for reviewing and monitoring all received attendance and grades.

6.2.2 A Notice of Non-Compliance shall be mailed out to those who fall under the criteria listed above, in section 6.1.

6.2.3 The TRERB shall decide when the Notice of Non-Compliance will be sent to the custodial parent(s)/guardian(s).

6.2.4 A list of students in Non-Compliance shall be submitted to Tribal Council and the Fiscal Department after each review period.

## 7.0 Appeals

### 7.1 Appeal Process

- 7.1.1 It is the right of the custodial parent/guardian to request an appeal for their student's Non-Compliance status. A custodial parent/guardian may file an Appeal Request Form for a Notice of Non-Compliance.
- 7.1.2 Appeal Request Forms are available at the Education Center and/or The Tule River Indian Study Center and may be requested in person or by phone to be faxed or mailed.
- 7.1.3 A custodial parent/guardian must submit an appeal request five (5) business days prior to the first hearing for the review period in order to be scheduled a hearing.
- 7.1.3.1 If an appeal request is submitted with less than five (5) business days prior to the first hearing for the review period, then the appeal will have to be considered as a walk-in and will be addressed when time is available.
- 7.1.4 The review period hearing dates shall be posted throughout the community, online at <http://www.tulerivereducation.com/>, and attached to the Notice of Non-Compliance.
- 7.1.5 The appeal must be based upon one or more of the following TRERB Policy compliance requirements:
- A. Failure to submit one or more of the following documents:
    - 1. Attendance and Academic Contractual Agreement
    - 2. Student Release Form
    - 3. Student Contact Form
  - B. Failure to maintain a minimum of 90% attendance per grading period.
  - C. Failure to maintain a performance level of basic or better for student attending school with performance level grading system (Advanced, Proficient, Basic, Below Basic, Far Below Basic)

- D. Failure to maintain a 2.0 GPA or better for students attending schools with a Grade Point Average grading system.
- E. Failure to submit student attendance and/or academic information.
- F. Failure to meet the requirements of the enrolled educational program.
- G. Failure to maintain enrollment in an accredited educational institution.
- H. Has not received a High School diploma or General Education Diploma (GED) by the age of 18 to 21.

## 7.2 Review Procedure

7.2.1 The Education Center will review the appeal request to determine if the request meets the requirements for an appeal as listed above.

7.2.2 If the Appeal Request requirements are met, then:

- A. The finding of Non-Compliance may be removed by the TRERB and a Letter of Findings shall be sent to the custodial parent/guardian; or
- B. The custodial parent/guardian shall be notified of a date, time, and location for a hearing before the TRERB.

7.2.3 If the submitted Appeal Request does not meet the requirements, then the student shall remain in Non-Compliance.

7.2.4 Reasons for an Appeal Request to be denied may include, but are not limited to:

- A. Not based upon one of the required compliance categories (listed above).

7.2.5 A Letter of Findings shall be sent to the custodial parent/guardian citing the reason for the denial.

### 7.3 Hearing Process

7.3.1 If you are unable to attend the hearing in person, you may request a hearing via telecommunications, and the TRERB shall use all provided documentation for deliberation.

7.3.1.1 The burden of proof is the custodial parent(s)/guardian(s) responsibility.

7.3.1.2 A Letter of Findings shall be delivered after the case is reviewed.

7.3.2 If scheduled a hearing with TRERB, The following is the manner in which these proceedings will be conducted:

- A. The named appellant will make an opening statement. You may then briefly present your case verbally;
- B. Should the TRERB have documents, or any additional information to supplement the case, they may present it at this time;
- C. Should you, named appellant, have documents, or any additional information to supplement the case, you may present it at this time;
- D. You, named appellant, may ask questions at any time during the proceedings, after being recognized by the TRERB;
- E. The TRERB may ask questions at any time;
- F. You, named appellant, may make a closing statement;
- G. The TRERB may make a closing statement;
- H. Should you, named appellant, have additional information or comments you may present them at this time;
- I. The TRERB will advise those in the hearing as to the next steps to take in order to complete the case, if any are required.

### 7.4 Deliberation Process



7.4.1 The TRERB will take the information and testimonies received during the hearing and deliberate. Should it be necessary to place the student on a contract, the contract will detail the requirements.

7.4.2 The TRERB will have a written decision sent to you within (10) business days.

7.4.3 All decisions made by the TRERB shall be documented and a Letter of Findings will be mailed to the custodial parent/guardian.

## 7.5 Withholding

7.5.1 The names of students in Non-Compliance shall be submitted to the Tribal Council and Fiscal Department for withholding of distribution.

7.5.2 All distribution payments withheld shall be deposited in the minors trust account by the Fiscal Department.

## 8.0 Trust Accounts

8.1 Student distribution will be deposited into their trust by the Fiscal Department for Non-Compliance.

8.2 Tribal members aged 18 to 21 who have not received a high school diploma/GED shall be eligible to receive their distributions.

8.3 Trust accounts for students who have not received their High School Diploma or GED by the time they are 18 years will be held until a High School Diploma or GED is obtained or until their 21<sup>st</sup> birthday.

8.4 If a high school diploma or GED is not received by the 21<sup>st</sup> birthday, the trust account will be released upon completion of a Financial Management Course, Tribal History Course, and in accordance with Fiscal Department distribution policy.

8.4.1 With regards to beneficiaries of the Minors or Incompetents Trust, once a beneficiary who is not legally incompetent reaches the earlier of age 21, or the age of 18 and after attained his or her high school diploma or GED, as of

September 30<sup>th</sup> of the year in which Per Capita payment is made, he or she shall be eligible to receive the Per Capita payments directly with the balance of their funds in the Minors and Incompetents Trust being distributed to them as provided therein. (*Amended Gaming Revenue Allocation Ordinance 7/1/2013 page 6*).

- 8.5 The Financial Management Course and Tribal History Course shall be provided by the Education Center.