



## MILLE LACS BAND OF CHIPPEWA INDIANS

### *Executive Branch of Tribal Government*

COMMISSIONER'S ORDER 10-86

#### Education

A Commissioner's Order to preserve order by implementation of educational policy and procedures related to student conduct and the operation of Nay Ah Shing School.

**WHEREAS**, under provisions of Band Statute 1040-MLC-18, Section 4, the Commissioner of Education has the authority to manage the day-to-day administrative activities of Nay Ah Shing School; and,

**WHEREAS**, Nay Ah Shing School is in operation for the 1985-86 school year and requires student conduct policies for student rights and due process to enable the school administration to maintain order; and,

**WHEREAS**, the student rights as delineated in 25CFR Part 42 are:

#### STUDENT RIGHTS

- (a) The right to an education.
- (b) The right to be free from unreasonable search and seizure of their person and property, to a reasonable degree of privacy, and to a safe and secure environment.
- (c) The right to make his or her own decisions where applicable.
- (d) The right to freedom of religion and culture.
- (e) The right to freedom of speech and expression, including symbolic expression, such as display of buttons, posters, choice of dress, and length of hair, so long as the symbolic expression does not unreasonably and in fact disrupt the educational process or endanger health and safety of the student or others.
- (f) The right to freedom of the press, except where material in student publications is libelous, slanderous, or obscene.
- (g) The right to peaceably assemble and to petition the redress of grievances.
- (h) The right to freedom from discrimination.
- (i) The right to Due Process. Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations for which the student may be subjected to penalties of suspension, expulsion, or transfer.

**WHEREAS**, the procedures for due process as delineated in 25 CFR Part 42 are:

### DUE PROCESS

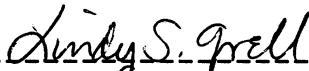
1. The Right to Due Process. Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations for which the student may be subjected to penalties of suspension, expulsion, or transfer.
  
2. Due Process shall include:
  - (a) Written notice of charges within a reasonable time prior to a hearing. Notice of the charges shall include reference to the regulation allegedly violated, the facts alleged to constitute the violation, and notice of access to all statements of persons relating to the charge and to those parts of the student's school record which will be considered in rendering a disciplinary decisions.
  
  - (b) A fair and impartial hearing prior to the imposition of disciplinary action absent the actual existence of an emergency situation seriously and immediately endangering the health or safety of the student or others. In an emergency situation the official may impose disciplinary action not to exceed a temporary suspension, but shall immediately thereafter report in writing the facts (not conclusions) giving rise to the emergency and shall afford the student a hearing which fully comports with due process, as set forth herein, as soon as practicable thereafter.
  
  - (c) The right to have present at the hearing the student's parent(s) or guardian(s) (or their designee) and to be represented by lay or legal counsel of the student's choice. Private attorney's fees are to be borne by the student.
  
  - (d) The right to produce, and have produced, witnesses on the student's behalf and to confront and examine all witnesses.
  
  - (e) The right to a record of hearings of disciplinary actions, including written findings of fact and conclusions in all cases of disciplinary action.
  
  - (f) The right to administrative review and appeal.

(g) The student shall not be compelled to testify against himself.

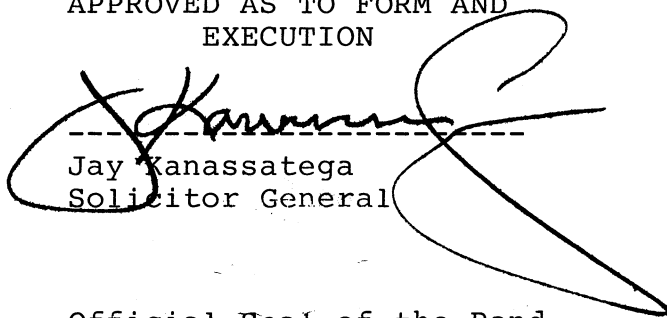
(h) The right to have allegations of misconduct and information pertaining thereto expunged from the student's school record in the event the student is found not guilty of the charges.

**NOW THEREFORE**, pursuant to the authority vested in me as Commissioner of education, by Band Statute 1040-MLC-18, Section 4, I, Lindy S. Grell, do hereby order adoption and implementation of the above education policy and procedures related to student conduct at Nay Ah Shing School until June 15, 1986, or until such time as the School Board rules otherwise.

**DATED** at Vineland, Minnesota, this twenty-ninth day of October in the year one thousand nine-hundred and eighty five.

  
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Lindy S. Grell  
Commissioner of Education

APPROVED AS TO FORM AND  
EXECUTION

  
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Jay Kanassatega  
Solicitor General

Expiration Date

June 15, 1986

Official Seal of the Band