



PUEBLO OF ISLETA

P.O. BOX 1270
ISLETA, NM 87022

PUEBLO OF ISLETA Resolution No. 2015-099

Amending the Children's Code to Move the Truancy Department under the Governor's Authority and Adopting Policies and Procedures for the Truancy Department

The following resolution was passed at a duly called meeting of the Tribal Council of the Pueblo of Isleta:

WHEREAS, the Pueblo of Isleta is a federally recognized Indian tribe with a written Constitution adopted pursuant to the Indian Reorganization Act and with inherent powers of self-government;

WHEREAS, Article V, Section 2(e) of the Pueblo of Isleta Constitution authorizes the Tribal Council to "enact ordinances, to protect the peace, safety, property, health, and general welfare of the members of the Pueblo of Isleta;"

WHEREAS, Article V, Section 2(l) of the Pueblo of Isleta Constitution authorizes the Tribal Council to "manage and control the lands and resources of the pueblo for the best interest of the pueblo;"

WHEREAS, the Pueblo of Isleta Children's Code currently makes the Truancy Department "directly accountable" to the Director of the Department of Education;

WHEREAS, the Truancy Department operates and has operated as if it were under the Governor's direct authority;

WHEREAS, the Truancy Department runs an effective program has developed Policies and Procedures specific to its Department; and

WHEREAS, the Tribal Council finds it is in the best interest of the Pueblo of Isleta to amend the Children's Code to clarify that the Truancy Department reports directly to Governor, as attached to this Resolution; and to adopt Policies and Procedures for the truancy Department, as attached to this Resolution.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby amends the Children's Code and adopts Policies and Procedures for the Truancy Department, as stated above and as shown in the attached documents.

BE IT FURTHER RESOLVED, that the Governor and the Truancy Department shall do all that is necessary to effect the intent of this Resolution.

BE IT FURTHER RESOLVED, that to the extent that this Resolution is inconsistent with any prior resolution of the Pueblo, this Resolution shall govern and apply, and such conflicting prior resolution is hereby superseded and repealed.

CERTIFICATION

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 30th day of November, 2015, with a quorum present, with 7 voting for, 0 opposing, and 0 abstaining.


Tribal Council President


Pueblo of Isleta Governor

ATTEST:


Tribal Council Secretary

Policies and Procedures

for the Pueblo of Isleta Truancy Department

1. Purpose

The purpose of these Policies and Procedures (“Policies”) is to provide operating rules and instructions to the Truancy Department (“Department”) consistent with the Pueblo of Isleta Children’s Code to provide support services to students and their families to help the student succeed in school.

2. Source of Authority

These Policies are established according to and consistent with the Pueblo of Isleta Children’s Code.

3. Scope

These Policies apply to all operations of the Department.

4. Definitions

- a. **Excused Absence** is defined by the attendance policy of the school the student attends.
- b. **Parent/Guardian** means the adult with legal responsibility for a child. The term “parent” shall also mean “guardian.”
- c. **Student** means a person under the age of 18 who resides within the exterior boundaries of the Pueblo of Isleta, and children (under 18 years of age) of tribal members who reside within Bernalillo and Valencia Counties. This definition includes home-schooled students.
- d. **Truant** means a student who stays away from school without permission or an acceptable explanation.
- e. **Unexcused Absence** is defined by the attendance policy of the school the student attends.

5. Enforcing Provisions of Compulsory School Attendance

Pursuant to the Children’s Code, the Department shall “enforce provisions of the compulsory school attendance laws for all children residing and going to school within the exterior boundaries of the Pueblo of Isleta Reservation[;] children who are enrolled members and children of enrolled members of the Tribe who reside within Bernalillo and Valencia Counties and children [who attend] the Santa Fe Indian School. [It shall also e]nter into contracts with students and parents to defer court referral.” (Children’s Code, §32-01-09 C.1.)

- a. The Department will interpret and communicate compulsory attendances laws and school policies to parents and students.

- b. The Department will take the following action upon receiving notice of a student's third unexcused absence:
 - i. The Department will send a "First Notification Letter" to the residence address on file with the student's school, inviting the parent to contact the Department and advising the parent of potential legal action if the student accumulates additional absences.
 - ii. The letter and other appropriate information will be entered into the Truancy Monitoring Log.
 - iii. The Department will monitor the student for the remainder of the school year.
- c. The Department will take the following action upon receiving notice of a student's fifth unexcused absence:
 - i. The Department will send a "Second Notification Letter" to the residence address on file with the student's school, again inviting the parent to contact the Department and advising the parent of potential legal action if the student accumulates additional absences.
 - ii. The Truancy Monitoring Log will be updated with the new information.
 - iii. The Department will continue to monitor the student.
- d. The Department will take the following action upon receiving notice of a student's seventh unexcused absence:
 - i. The Department will send a "Third Notification Letter" to the residence address on file with the student's school, directing the parent to contact the Department within forty-eight (48) hours to enter into a Contract specifically addressing the student's needs, and to avoid a filing with the Isleta Tribal Court.
 - ii. If the parent does not respond the Truancy Manager shall review the file to consider whether it is appropriate for the Department to file a Truancy Petition in Isleta Tribal Court.
 - iii. All information will be entered into the Truancy Monitoring Log.
- e. The Department will take the following action upon receiving notice of a student's tenth unexcused absence:
 - i. The Department will enter into a Contract with the student and the parent.
 - ii. The Contract shall state the obstacles faced by the parent(s) and student, and shall clearly describe the obligations of the parent(s), student and the Department to ensure the student's improvement and success.
 - iii. The Department will follow up with the parent(s) and student regularly to ensure compliance and to modify the terms of the Contract as the student's needs require.
- f. If either the student or parent violates the terms of the Contract or if the Truancy Manager otherwise determines it to be in the best interest of the child, the Department shall file a Truancy Petition in Isleta Tribal Court
- g. At all times during this enforcement process, the Department shall strive to provide support services to the parent(s) and the student to promote the student's success in

school. Generally, the Department will take court action only after other methods of intervention have been unsuccessful.

- h. In emergency circumstances the Department shall also have the authority to file a complaint with the Isleta Tribal Court without exhausting the steps above.

6. Investigative Authority and Responsibility

Pursuant to the Children's Code, the Department shall "[i]nvestigate cases of excused and excessive absences, tardy slips, and suspected dropouts. Investigation shall include conferring regularly with teachers, counselors, principals, and other staff to identify problems of tardiness, attendance, student truancy, and students at risk of dropping out, conduct home visits and parent conferences on student truancy and attendance problems, and require attendance at meetings at his or her office." (Children's Code, §32-01-09 C.2.)

- a. The Department shall take the steps listed in Section 5 above for truant students.
- b. The Department may also investigate other cases of unexcused and excused absences.
- c. The Department shall collect attendance information about individual students from all appropriate schools. The Department shall enter the attendance information it collects from each school on a weekly basis, which will generate Notification Letters when appropriate according to these Policies and Procedures.
- d. When possible, the Department shall meet with each school weekly to gather attendance records.
- e. The Department shall make available and accept "Confidential Community Referrals" allowing a person to make an anonymous report with concerns about a particular student. Reports may trigger an investigation, as the Department finds appropriate.

7. Developing Relationships

Pursuant to the Children's Code, the Department shall "[d]evelop relationships with students and families and make reasonable effort to gain their cooperation to improve attendance, interpret and communicate compulsory attendance laws and school board policy to parents and students, and counsel students at risk of dropping out as well as their parents or guardians." (Children's Code, §32-01-09 C.4.)

- a. The Department staff will attend community and school events in order to meet with and inform parents, students, school personnel and community members of the Department's services.
- b. The Department staff will contact and meet with parents of children to inquire into specific needs that the child and/or family may have. These needs may relate to substance abuse, unmet special education needs, etc.
- c. The Department will confer with students and parents regarding attendance and will make a reasonable effort to gain their cooperation to improve attendance. Home visits and parent conferences shall occur as appropriate.

- d. When appropriate, the Department shall make referrals to services providers, including but not limited to: Isleta Social Services (“ISS”), Isleta Behavioral Health Services (“IBHS”) and the Isleta Department of Education (“DOE”).

8. Maintain Contact and Act as Liaison with District, Law Enforcement, Courts

Pursuant to the Children’s Code, the Department shall “[m]aintain contact and act as liaison with the local School Districts and law enforcement agencies and Court within the areas herein enumerated.” (Children’s Code, §32-01-09 C.5.)

- a. Confer regularly with teachers, counselors, principals and other staff in the various school districts to identify problems of attendance and truancy.
- b. Work with counselors, teachers and other staff in the various school districts to identify and counsel students at risk of dropping out, and the parents of those students.
- c. The Department will attend and participate in monthly meetings of the Los Lunas Juvenile Justice Board, Pueblo of Isleta Multidisciplinary Team, and other programs and organizations that help to support students and their families.
- d. If needed, the Department shall work with the Tribal Council and Governor to enter in to MOA’s or MOU’s with other districts to memorialize their agreements.

9. Records, Data Collection and Reporting Requirements

Pursuant to the Children’s Code, the Department shall “[c]ompile and maintain and file all physical and computerized reports, records, and other documents required including records of all cases investigated and reported.” (Children’s Code, §32-01-09 C.6.).

- a. The Department shall compile, maintain and file all reports, records and other documents, including records of all cases investigated. These records shall include but are not limited to: grades/transcripts, attendance records, court cases, correspondence, Individual Education Plans (“IEP’s”) and demographic information.
- b. Reports shall not name or identify specific students. All identifying information must be removed from all reports unless required by law or where the reports are for internal use only and will not be released from the Department.
- c. All records, reports and other documents that identify or could be used to identify any particular student are strictly confidential.
 - i. Only employees of the Truancy Department shall have access to the files.
 - ii. Department employees shall allow students and their parents access to all information in the student’s file to which the student and/or parent has a legal right to view.
 - iii. All files shall have a sign-in/sign-out sheet to track each time any individual views the files and each time copies are made.
- d. Records shall be kept for no less than three (3) years after the student’s eighteenth (18th) birthday. All files shall be disposed of by shredding.

10. Advocating for Students – Education Plans and Support

Pursuant to the Children’s Code, the Department shall “[d]evelop education plans and programs for children who have been expelled from school to meet the needs of the students, consistent with applicable laws and regulations, and enforce such plans as deemed necessary.” (Children’s Code, §32-01-09 C.7.)

a. School Transfers

- i. Where appropriate, usually because a high school student lacks sufficient credits to graduate, the Department shall work with the Districts to find a different school that will better meet the student’s needs.
- ii. The Department will investigate placing a student at a Charter School, Credit Recovery School or other appropriate educational facility, and will work with different Districts regarding the transfer of credits from one school to another.

b. Special Education

- i. When appropriate or at the parent, student or school’s request, the Department will attend IEP meetings with the student to make sure the IEP meets the child’s needs.
- ii. The Department will help protect the student’s legal rights. For instance, a school cannot expel a special education student where the reason for the expulsion is related to the student’s special need.

c. Expelled students

- i. Students who have been expelled shall be referred to DOE for services. DOE will appear in Court or provide affidavits to the Court as required by the Court.
- ii. The Department shall continue to provide services to expelled students, as appropriate.

11. Information Sharing

This Section addresses the information collected pursuant to Section 9.

- a. When the Department has referred a case to DOE and upon a written request signed by the Truancy Manager or a Truancy Coordinator, DOE shall release the requested information to the Truancy Department within five (5) business days.
- b. The Department shall provide student information to service providers upon written request, which includes all forms of electronic communication.
- c. All requests for information must be directed to the Truancy Manager.
- d. All information provided by Truancy must follow these procedures.

12. Approval

These Policies were approved at a duly called meeting of the Tribal Council on November 30, 2015.