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ABSTRACT

The Bureau of Indian Affairs (BIA) has undertaken a general program development activity in the area of student rights and responsibilities. In August 1973 a committee of professional educators was appointed to develop guidelines for the Student Rights and Responsibilities Program. During December 1973 and January 1974, the draft of the guidelines was circulated to 195 BIA schools, the 12 area offices, who distributed it to tribal leaders, the American Indian Law Students Association at the University of New Mexico, and the National Indian Youth Council. Items used to elicit response were: suggested changes and additions, weakest features, strongest features, and general comments. This report is important to the total thrust in the Student Rights and Responsibilities Program since it shows that each step of the program's development was reviewed in some form or another at the grassroots level of education. A brief analysis of reactions to the draft guidelines, a copy of the instrument used relative to the review, actual comments, and a copy of the draft are included in this report. (NQ)

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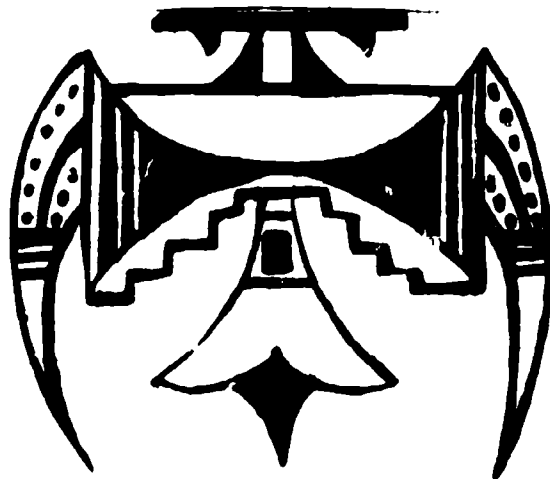
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STUDENT RIGHTS AND RESPONSIBILITIES
A REVIEW OF THE DRAFT OF PROGRAM GUIDELINES



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I N T R O D U C T I O N

This report is part of a general program development activity in the area of Student Rights and Responsibilities that is being undertaken by the Bureau of Indian Affairs. A Committee of professional educators was appointed in August 1973 to develop Program Guidelines. The draft of the Guidelines was given wide circulation to BIA Schools and communities during December 1973, and January 1974. This report contains a brief analysis of the reactions to the draft of the Guidelines, the actual comments, a copy of the instrument used relative to the review, and a copy of the draft of the Guidelines.

Ms. Kathryn Red Corn duMont, Research Specialist for the Indian Education Resources Center, made the analysis of the review and served as a consultant to the Committee at its final meeting in February 1974.

The report is important to the total thrust in Student Rights and Responsibilities Program as it shows that each step of the development of the program reviewed in some form or another at the grassroots level of education. Officials responsible for the work of the program would like to extend a hearty thanks to those individuals and groups who took the time to respond to the draft of the Guidelines. We believe that your comments have made it possible for Indian children to receive an improved program in Student Rights and Responsibilities.

STUDENT RIGHTS AND RESPONSIBILITIES
ANALYSIS OF THE REVIEW OF THE DRAFT OF PROGRAM GUIDELINES

A National Guideline for Student Rights and Responsibilities (SRR) for the Bureau of Indian Affairs - a general document prepared by a Committee composed of five people: Dr. Gabe Paxton, Chairman; Dr. Jerry Jaeger, Vice-Chairman; Ms. Ramona Osborne, Member; Dr. Henry Rosenbluth, Member, and Dr. Tom R. Hopkins, Member.

A draft was prepared by the SRR Committee and sent to the Field for comment. The questionnaire was sent to 195 BIA Schools and all of the 12 Area Offices. The Area Offices distributed the questionnaire to tribal leaders. The Indian Education Resources Center (IERC) also sent questionnaires to the American Indian Law Students Association at the University of New Mexico and the National Indian Youth Council.

There were five items used to find how people who reviewed the document felt. The items are as follows: Suggested changes, Suggested additions, Weakest features, Strongest features, and General comments. The following are responses as they were sent into our Office:

After reviewing the precedent, comments were noted. These were:

1. It is obvious there exist a strong need for such a document. However, to assure success for a Student Rights and Responsibilities Program, there must be a clear understanding of the document on the part of the students as well as the staff.
2. There appears to be strong support for the student responsibility section. This particular item seemed to attract attention of most of the school board members who viewed the document. The following statement is representative of a large part of the school board members: "Student rights are valid only when a student can assume his responsibilities."
3. Quite a number felt the Guidelines were geared to high school students rather than elementary age students.
4. It should be emphasized to the Field that the Guidelines are merely Guidelines and each Area or school is to design their own codes to fit their particular needs. I felt for the most part this was not understood by those reviewing the draft.
5. Page 9, Item 6: Parents' moral responsibility for their children behavior are not suspended when a student enters a boarding school. It is the responsibility of parents to maintain control of their child's behavior to the maximum of their ability and to support the school. Please note the draft and the comment made on it.

Kathryn R. duMont

SUGGESTED CHANGES:

P. 1, Par. 1, Line 7

P. 9, Par. 3: What is deemed an unreasonable search? What is deemed by bodily harm by teachers?

Item 6 is good, but maybe it should be under Parents' Responsibility. The major reason our students are attending boarding school is because the parents did not assume their responsibilities.

Too much emphasis on "duty to Community" and not enough on duty to oneself. The main result from missing classes is that the student jeopardizes his own future by not gaining the knowledge he needs. He's hurting himself more than anyone else. Too wordy--be more emphatic and to the point that there are certain procedures to follow if he has a complaint and he must follow these procedures to be effective. Leave out "to refrain from" and say "not to break the law", and "not to inflict bodily harm".

P. 7, (1)c: Strike out this item, as its true intent is clouded by the subjective "when applicable".

For the BIA to take a stand on the frequent areas of contention.

Show more involvement to student affairs.

Paragraph numbered according to table of contents as to specific points dealt with. The document too lengthy; for our purpose, it would need to be brief, concise, and to the point.

Close the loopholes mentioned in item 4.

We feel that the administrator responsibility in lieu of parents should be more specific. It appears that on page 4 on absentee of parent and #6 on page 9 are not compatible. Current BIA criteria should be made available to all students and staff.

It is recommended that the document spell out more in reference to community and parent participation. In addition, types of discipline when necessary should be discussed for necessary recommendations.

(a) Student responsibilities. Item 6 should say day as well as boarding schools. (b) If guidelines are to be supplemented by local rules and regulations, manual releases regarding student discipline and procedures should be abolished.

Responsibility and legal jeopardy, if any, is on the local level. Leave more policy to local level.

On P. 4, Lines 9 through 14: Is it possible that there is conflict between the two sentences?

Make sentences shorter, using explicit wording which average layman can understand.

A differentiation of rights and responsibilities for day school children, ages 6-10.

Page 6: Should all rules be so precise that cause is not judged?

Could be condensed.

Item 6: Should not read "parents" moral responsibilities for their children's behavior are not suspended when a student enters boarding school, only. Is not the parent of the day school student just as responsible for his child's behavior?

P. 5, I(b): Specify how? P. 5 II (a): Define association (with whom, where, what, when, how). P. 5, II(c): What is meant by "expression"? P. 7I(e): How can "discrimination be insured"?

Give more control concerning behavior standards to approve policy concerning student behavior.

When such regulation are students behavior is formulated, the school board needs to also accept and approve (under III Rules, Discipline and Grievance procedures).

Under legal role and moral responsibilities of the school authorities in their relationship with student: "My feeling is that a border specification needs to be clarified as the meaning student may act on behalf of the parent when necessary or entire school body".

P 6, Par. 1: The last sentence is unclear. Grievance procedures would not necessarily follow every discipline action. It also contradicts the first sentence of the next paragraph. P. 7, Item 1e: We felt that discrimination was too vague and hard to define and that the right that we included would cover the issue and be more easily understood by students and school personnel. P.7 and P. 9: Additional changes are marked on the attached copy.

In relation to present Navajo Area structure, there is no mention made to the Agency level or role. Some thought should be given to this in order to bring all concerned together by identifying all levels that are to be involved. The question was raised - will this format lend itself to other area structures?

On P. 5: More clarification is needed as to what is meant by field offices in respect to metned levels. Is the use of "field" to be synonomous with "local level"? On the student rights section, P 7 I (d) religious preference

should be a point by itself. P. 7: Last paragraph should be left out. It is not felt to be a definite point of the students rights section, nor will it serve well to introduce the section on student responsibilities.

SUGGESTED ADDITIONS:

Perhaps some mention of the limitations under which non-school, non-student activities must operate when these activities and organizations seek to influence school operations.

Schools should be responsible in notifying the students home agency on any major infractions of the rules by the student. The school should also notify the Agency before a student is returned to his/her home agency.

Elaborate further on parental responsibility.

More explicit definition on Page 5 I (b): "The right to be involved in the organization of the total education program". Does this include curriculum, hiring of teachers, etc.?

More emphasis on each schools responsibilities to originate its own policies and guidelines for students rights and responsibilities.

Provide a sample local pamphlet: Format, size, outline, etc.

The committee feels that possibilities for Parent-Teachers Associations might be brought into the picture and properly dealt with. Additional specifics regarding student discipline. More emphasis should be given permitting the students to participate in tribal affairs.

Emphasis that all BIA employees should strive to establish rapport with students.

Statement on Admissions Policy--Retention, Probation, Etc. The role of the institution when a student is in violation of state or federal laws.

Ways of educating both students and parents of student rights and responsibilities at local level.

Some provision for interim suspension between the time an appeal is made and the hearing on the appeal is held, if the student in question might endanger the health and safety of others if he remains on campus.

P. 9, Item 6: Add "day schools" to first sentence. Otherwise this item suggests that parents' moral responsibilities for their children's behavior does not apply in day schools, but only in boarding schools.

P. 5: (Some wished to qualify II(a) to read "acceptable expression".) I feel the "expression" could stand considering other rules concerning obscenity, liable, abusive "expression".

Student responsibilities relative to commitment to education through available resources and acquisition of knowledge.

Other responsibilities of students relative to getting education besides attending classes, e.g. fulfilling assigned tasks, using available resources.

Students should have right to participate in curricular matters, evaluation of programs and teachers.

Only one brief statement is made regarding the duty of the school to protect the health of students and provide for their safety. It seems to us that this needs further elaboration.

P. 7 (2): Due process shall include: an informal discussion of his actions, rights, and responsibilities which should be documented.

Approved disciplinary actions.

If BIA Boarding Schools are to effectively educate our Indian students-- why give the full authorities to school administrator and school board in controlling and administrating the local school. The principal has no say so in school administration (1) hiring (2) no formal evaluation on teachers.

No where in the document is mention made of the need for student ratification of any type of condition which will affect them directly. It is an important area and needs to be in the national guidelines.

Page 6: Last sentence of first paragraph is not clear as to its meaning. In its present form, it appears to state that a grievance must follow every disciplinary action. Perhaps, what is meant is that a procedure must be available that can be challenged by any student and/or parent. This is an important area and should be made clear in the national guidelines. Other areas of points recommended to be a part of the national guidelines are:
 a. the need for a procedure at the local level for informing parents of rule intractions. b. the need for a procedure or system for making students aware of established rules and regulations concerning student rights and responsibilities.

In comparing BIA schools and state public schools, the public schools have better education system. The school superintendent and principal are both at immediate school and have immediate decisions being made on school matters. The Bureau schools seems to take forever in making any type of decision. (This needs to be recommended for a change similar to public schools.

A student council would be a good thing for bringing any complaints. The student council president should sit in with the City Council and the Advisory School Board meetings.

We should have a student council.

4(a): Delete sentence in question and replace with following ones: It is a primary goal of the BIA that minors (those under the age of 18) as well as those who are older understand these precepts fully and respect their intent. Responsibility for accomplishing this goal lies throughout the levels of the Bureau from the Commissioner on down to the newest teacher.

WEAKEST FEATURES:

The length of time involved to complete a case using each of these steps.

Allows room for many legal questions.

Student responsibilities, Paragraph 6: Parents are sometimes at great distances from the school or have lost control of the child before he comes to the boarding school.

As in any law--what is the penalty--who is the judge?

Very little is covered on school responsibility. Since this is "Student Rights and Responsibilities" maybe it shouldn't be placed in this guideline.

Area levels of guidelines.

Indication of special rules for students over 18 is neither desirable nor workable.

Schools role in establishing local policies.

The open structure of several areas with no provisions made for eliminating top level interpretations, based on past actions, from filtering down into the new structure and influencing its effectiveness.

No definite structure for drafting local document.

Implementation.

Too much administratively oriented. Pages 3 and 4 gives no opportunities for students' input into making rules, policies, and regulations governing the school.

Student involvement--we feel the drafted Student Bill of Rights has more involvement of students than the National Guidelines for Students Rights and Responsibilities for the BIA.

The elementary department at Choctaw Central feels that the report is somewhat slanted toward Junior High and High School rather than the elementary area. It seems plausible that the teacher rights should be properly understood by the students.

In the line of student discipline.

Parents should assume more responsibilities toward their students' conduct.

Individual rights over-emphasized. Individual responsibilities under-emphasized. So general, various individuals can interpret it in their own way.

When students who have behavioral problems too difficult for solution by their families, or through existing community facilities, are admitted to a boarding school and demonstrate that the limited controlled environment of a boarding school does not meet their needs, these guidelines fail to suggest the responsibility of the BIA, if any, in taking action to have the students placed into an environment with the legal controls and professional services that may be indicated.

Covers a lot of ground hurriedly, but I know of no remedy. The very nature of the paper demands that it be weak here I guess.

General in nature, but perhaps of necessity for flexibility. Due process procedures might be more fully defined.

Item 6 under Student Responsibilities.

It will be called too general for some schools that are afraid to "take the bull by the horns."

How can this document, in its entirety, be adhered to without total knowledge throughout the entire Education Branch of the Bureau with the needed availability of legal advice or interpretations?

How can one apply the student rights and responsibilities to children of the ages four, five, and six who attend BIA schools unless it is considered that the teacher of said children act as a substitute parent?

Discussion of parental authority and responsibility is too brief and ambiguous. Relationship of school authority to state, tribe, and federal law is inadequate.

Parental Rights and Responsibilities relative to day school children, primary level. Relationship of school authority to all levels of law (federal, state, local) and to parent control as stated by parents.

Lack of individual cause.

No statement of students' right to hold an incompetent teacher accountable for inadequate education. Responsibilities limited to things like "be good", "go to class", "don't hurt others", "don't destroy things".

Like our laws subject to legal manipulation.

Too verbose. Uses words difficult to understand.

I don't see how a parent could be held for students behavior when they are 200-300 miles apart. They can support the school yes, but should not be held responsible.

Lack of definite suggestions for maintaining discipline. Reasonable measures or restrictions that administration would feel comfortable and secure guidelines for disciplinary actions.

Definition of student rights.

Somewhat wordy in places. Choice of words vague in meaning.

The document sometimes fails to recognize the complete staff at the school as having the same rights as teachers and other adults.

The responsibility of students.

"One of the weaknesses is the failure to recognize that a school is not a democratic society and never has been. It seems that the students are receiving more than is required of them. If they are to be treated as adults, they should be prepared to accept the same consequences for their conduct as adults receive.

The text of the regulations should be in more common terms, and illustrations should be used. Para. 6 of Student Responsibilities needs further clarification and explanation. The parents should advise their children to cooperate, but there needs to be better communication between the parents and the boarding school administration.

Para. 6: Sometimes a child is sent home from boarding school, and the parents have not been informed why he is dismissed. Parents should be given a written reason. They should, also, be notified when a student is having problems and the latter should be given a fair chance before a decision to send him home. When students are in Boarding Homes, the parents do not know what they are doing. Pupils should respect property.

STRONGEST FEATURES:

The inclusion of both rights and responsibilities.

The guidelines uphold the rights of the students.

This document is just what it purports to be, a guideline. It is specific enough, rigid enough to be the supporting framework for Students Rights and Responsibilities Policy in each school. At the same time, it leaves room for each school, each community to develop policies that are appropriate for them.

A uniform format for all schools and broad enough to allow local determination for problem solving.

Rights for students.

Rights for students.

Student responsibility section.

Student responsibilities section.

Protection of teachers' and students' rights.

Emphasis that students have rights based on constitution but that he also has responsibilities which go along with his rights.

Student responsibilities.

Student rights and responsibilities guidelines.

Legal rights of individuals. Moral responsibilities of parents, students, and school personnel.

General coverage of all facets yet having no detailed iron bound regulations indicating top level office manipulation.

Constant concern for human rights.

Page 7, item 2: Due process

The reasonable and sensible ideas involving student rights is a good one. The guidelines appeared to be just and fair.

The student's rights adhered to the Constitution and especially the Bill of Rights. The responsibility of education was indicated as being shared by the school, the parents, and the students. This was one of the strongest points of the guidelines.

Emphasis on the student's rights according to the constitution.

Contains student and parents responsibilities as well as their rights.

Its flexibility should permit it to be adaptable to all BIA schools.
Its protection of the rights of students.

Describing ultimate goal in the BIA educational program. Concrete description of what constitutional rights a person has.

Guideline emphasis of the basic constitutional rights of minors.

Student Rights and Student Responsibility section.

Clear simple language.

Brief and to the point--not too wordy, yet covers subject. Terminology clear and understanding in most instances. Analogy of school to a community very good. Flexibility allows utility by most schools--will fit their own local situation. Allows some protection for the health and safety of staff and students.

Item 1 and 2 under Student Rights.

It is general enough to allow individual schools latitude in formulating local school policy.

Contains major policy areas and contains flexibility to accommodate local policy and philosophies.

BIA's responsibility to student on health, education, and welfare.

The national guidelines for student rights and responsibilities allows for flexibility at the local or agency level and at the same time is specific enough to insure fairness to all parties.

Clear sensible statement of general rights and the related responsibility.

That regulations on student behavior should be made by faculty and students working together.

General rights and related responsibilities.

By following the basic concepts of the U. S. Bill of Rights, you have the basic legal authority to support more detailed school regulations to be developed.

Recognition that students are human and do have rights. Right to due process.

Infringement of others rights.

Gives leeway to schools in developing their own documents within presented deadlines.

General in nature. Should be acceptable.

Student responsibilities.

The flexibility of recognizing each case individually.

Student rights.

The legal and moral responsibilities of the school authorities in their relationship with students.

Student responsibilities are emphasized--a positive approach. Student rights are valid only when a student can assume his responsibilities.

Puts the school in the driver's seat. Former codes had individual students running the school. It must have been designed by people who have been around BIA schools.

Putting much responsibility of school and education and behavior back on the parent and child--here I don't mean academic achievement.

Student responsibility and right to participate on review/formulation of local rules. Student has the right and responsibility to participate in his education and school the best possible built in feed-back process and sharing of ideas. Sets up grievances and due process.

The points on student responsibilities were well liked by those who expressed an opinion.

Student rights and responsibilities.

Parents are aware they still must help to enforce conformity by their children to even though in school (boarding schools as well as day schools).

Student Responsibility Item 1 and 2.

Gives the students a chance to be a part of their school more than just attending classes.

Guidelines basically conform to Constitution of USA. They also provide a basis for development of local programs and specific regulations; administrative levels are well defined. Upholds students' rights but

also stresses that such rights imply certain responsibilities which students must accept to maintain their rights. This concept is most important as it stresses our way of life--that maintenance of our civil rights require certain cilil responsibilities but we should be educating students for future responsible citizens. Guidelines appear legally sound.

By relating student rights to the constitution, it gives students a sound understanding and opportunity to live in a school atmosphere that will prepare them to govern themselves later in life.

The concept of "basic rights of all individuals" would be hard to teach but education programs should always strive towards developing this concept. The development of this concept fulfills an important aspect of education.

Such a document attempts to bring everyone together, which is good. Its content is balanced very well in that it doesn't favor administration, students, or any particular aspect of an education program. It is supportive to education.

The document is directed toward and touches situations unique to federal boarding schools.

The history and background of past attempts to develop student codes or criteria makes the document much more meaningful and will be appreciated by school personnel and students. It points out that the document is not a one-shot attempt or a spur-of-the-moment idea to provide well founded and evaluated guidelines.

The strongest point, in relation to the role of the national level, is the fact that it will be consistent and parallel to federal laws which will give the guidelines more perspective.

The document talks straight to issues that may have been created by recent legislation concerning 18-year olds. It leaves plenty of room for local judgement to be used in developing codes of conduct. It points out very well that responsibility is a two-way-street. It gives substantial insight into the role and function of the local administration by providing a legal and workable framework which is in the best interest of the individual student, staff members, and the entire student body.

The three areas subscribed to as being fundamental to all BIA schools are broad enough to allow local input and emphasis regarding student rights and responsibilities. The committee does not see any conflict with student codes presently being developed. Again, all three areas are seen as unique to boarding schools.

Area II on student affairs, point (a), page 5, the right to freedom of association may conflict or be out of perspective in situations where the student is away from home and the responsibility is the school's. The "loco parentis" issue is in question. As it reads now, it appears to mean complete freedom of association with no responsibility.

Document is complete and reasonably easy to understand.

Document recognizes that the staff has civil rights.

The responsibilities of parents is recognized and their support is solicited.

The document gives reasons for its concepts which are consistent with the democratic process we are striving for in the country.

The document can be used effectively as a teaching tool in teaching the basic concepts of democracy.

The document gives the school administration and staff members ideas which can be used in promoting student rights and responsibilities.

This document is not as restrictive as previous documents have been.

The students can understand this document.

The document gives the schools latitude in developing individual programs that are in accordance with local conditions, beliefs, and situations.

The document points out that Indians have the same rights as all other citizens--no more or no less.

GENERAL COMMENTS

There may have to be certain amount of punishment which could be classed as bodily hurt but not bodily injury; this should be administered by the child's parents but if that parent is not doing their duty, it seems to me certain measures may have to be taken by someone else. Reference Proverbs 13:24 and Proverbs 29:15.

The school board should be given the right to determine disciplinary action to be taken by teachers or administrators in regards to students.

The National Guidelines for Student Rights and Responsibilities for the Bureau of Indian Affairs seems to me to be well done. I do not have the first hand contact with older school children that most reviewing school personnel probably do. This is a day school for only four and five year old Indian children. The purpose of this school here is to strengthen the young child so that he may live and enter public school with confidence and assurance. We do endeavor to keep the child's safety, health, and welfare paramount in our program.

The large majority opinion of those who reviewed the Guidelines was that the recommended Rights and Responsibilities for students was very good as it was recommended and that no recommendations for changes or alterations should be made.

In general we commend the committee for an excellent document.

The attached copy has been read carefully. Apparently there has been, in the past, another instrument printed on this same subject, and any critique on this should have the older form for comparison. No true evaluation is possible, unless this is to be treated as a new and unused instrument. The guidelines seem to be extended in depth as well as laterally giving the main structuring of the various programs and control over to the states and local communities. The question always presents itself when this type of paper is read: To what extent can the local administrations expect interpretation from upper levels based on what has been done in the past? Once such interpretations are made, filtering down into the new structure and influencing its effectiveness becomes a natural and expected process. Strong point is its general coverage of all facets yet having no detailed regulations indicating main office manipulation. The weak point is the open structure of several areas with no provisions for eliminating the evils mentioned in paragraph three.

This looks good and some sincere effort has been put into it. It seems to give a tremendous amount of freedom of action leaving the top of the pyramid in a balanced position.

This seems to be an open document, allowing local decision making on specific situations and needs. In the construction of guidelines at all levels, including this one, all people affected.

Be Impressed: That higher-ups wrote this so general that they will not have to take responsibility; should anything happen they are home free because of generalities. Children are impressed with rights. Parents are impressed with rights, but the responsibility is not impressed.

I believe the guidelines are broad enough to provide the fundamental concepts of developing student rights and school regulations. However, a representative from either central office or area office should be available for consultation in developing local and more specific guidelines.

Not enough stress on parents responsibilities.

More parental control (involvement).

That along with freedom and constitutional rights also come specific responsibilities.

I feel it is contradictory to say on one hand that a student has a right to an education and on the other hand the schools can deny him this right by suspension. A statement is necessary. Giving the school the right to suspend and specifying the conditions which the schools can deny him the rights of an education, such as, if the student does not carry out his responsibility his right to an education may be denied.

Is this a legal document? Are the long, one and two sentence paragraphs necessary?

Note: The school board wanted more specific guidelines and more pertinent to elementary schools. We explained about each local school should set its own, etc. With this explanation they were willing to go along with the guidelines as stated. P. S. I think they are excellent.

I am not sure that the preface and the alluding to the constitution and the Bill of Rights are relevant. My rights end where another person's begins and I have to be held accountable for infringing on other's rights. That there be more discussion on possible infractions and the consequences. There is a lot of talk about discipline and there isn't really anything being said. The basic rights of all youth is good but there should be accountability on youth's part and strongly emphasized. The responsibility of the students to their community and parental involvement are very weak.

I think that there has to be greater control and cooperation at parent-youth or student level in order for responsibility to be come meaningful in school. The parent cannot give the burden of education, discipline, and culture solely to the school or teacher. This has to be a joint effort with reinforcement from home. There was not enough emphasis placed on this point. If the school administration will set up specific rules and regulations which is their obligation according to the code, and follow through on all occasions, I feel the code is good. Frustration of teachers and students can be caused because of uncertain disciplinary understanding.

The School Board was happy to be informed of the interest shown by BIA in a student rights and responsibilities guidelines. They were satisfied with material presented. They felt some simplification was needed for elementary students.

Define "current BIA criteria" as related to right to education.

Allows each school enough freedom to work with it.

While allowing freedom the document still leaves certain areas vague, i.e. What is current BIA criteria as related to right to education?

All staff reviewed this and made no suggestion, etc., except those enclosed. They, no doubt, will be happy to have this as a basis for a local policy which will also have to be developed. We have one but it will have to be updated. Thank you for the opportunity to review it.

Students felt that the "good guys" would approve and the "bad guys" would not approve this guideline. Members of the student council were of the opinion that the good guys were in the majority and should impose rules to control the bad guys. Responsibilities of the parents should receive more emphasis.

In order for students to fully understand their rights, they must be allowed to experience them in the classroom. A place where all too often the "Bill of Rights" is only another item to be studied and tested on instead of something to be learned through experiencing those "rights". The BIA should also consider giving some guidance to teachers who are unable to "teach" without an atmosphere of "no rights to students unless first given by the teacher." I contend that this is the current situation in a great many schools, including BIA Day and Boarding Schools.

This report has been submitted to your office solely to avoid receiving duns from you concerning it. I appreciate your comments on the Constitution. It seems that that document adequately serves as a "guideline".

No changes made. Attaching a copy of our code. Mt. Edgecumbe School is of the opinion that its code includes all of the criteria developed in these guidelines. After studying these guidelines, we have decided that our code of rights and responsibilities may be too lengthy and too wordy. Your criticism and suggestions would be appreciated. I might say that our student behavior has improved tremendously since we have been operating under this code of conduct. The students feel that our rules and consequences are firm but fair.

Having worked in the dormitory program of boarding schools on two different occasions, I am struck with the fact that some bending of students' Con-

stitutional rights under the Fourth Amendment must be abrogated for the common good of the student body. In 1967, I was in charge of the dormitory program in a 650 pupil high school. When the students first arrived on campus in the fall, it was our practice to hold baggage inspection immediately upon the student's arrival at the school. In this particular year, we turned up 8 pistols and revolvers and 17 large hunting knives in the students' luggage. We arbitrarily confiscated these weapons and held them in a safe until the student's departure for home the following spring. Periodically during the year, we would hold surprise locker inspections and invariably we would turn up knives (and an occasional gun) that had been purchased since the student arrived at school. To have secured 650 search warrants would obviously have been impossible. If we could have hurled this monumental paperwork problem, the word would have gotten out in the school and the knives and weapons we invariably turned up would have been hidden in the bushes until the search was over.

**REVIEW INSTRUCTIONS
BIA STUDENT RIGHTS AND RESPONSIBILITIES**

A proposed national program description and guidelines in student rights and responsibilities have been developed by the Bureau of Indian Affairs. The purpose of the program and guidelines is to provide broad national guidance in a very important area of the education program. National guidelines should be general in nature with the understanding that local schools are to develop their own, more detailed program and guidelines. The guidelines have been developed in relationship to national practices within and outside of the BIA and with sound, continuous legal advice and consultation. A broad national review of the proposed guidelines by all interested parties is considered necessary before they are prepared in final form for issuance throughout the BIA. Your participation in the review process is necessary and important so please give it your close attention.

Please use the following criteria in reviewing the guidelines.

- (1) The guidelines conform to the Constitution of the United States.
- (2) The guidelines are basic enough to allow schools to develop their own codes.
- (3) The guidelines uphold the rights of students.
- (4) The guidelines provide a basis for development of local programs regarding student responsibilities.
- (5) The guidelines are legally sound.

Bureau personnel, tribal officials, students, parents and other interested parties reviewing the guidelines are encouraged to consult their local solicitors and/or lawyers regarding the national guidelines. Your cooperation in the review process is sincerely appreciated.

For further information, contact the following address:

Administrator, Indian Education Resources Center
Post Office Box 1788
Albuquerque, New Mexico 87103

Attention: Student Rights and Responsibilities
505/766-3314

**REVIEW REPORT
STUDENT RIGHTS AND RESPONSIBILITIES**

Please complete the following report and submit to:

Administrator
Indian Education Resources Center
P. O. Box 1788
Albuquerque, New Mexico 87103

Attn: Student Rights and Responsibilities

A. Date submitted:

B. Area Office:

C. Agency Office:

D. School:

Check appropriate blanks

D-1 Elementary School _____

D-2 High School _____

D-3 Post Secondary _____

E. Other:

Please check below all those individuals who have contributed to this review report:

F. _____ Staff

_____ F-1 Instructional

_____ F-2 Dormitory/Guidance

G. _____ Students

K. _____ Tribal leaders and/or
Council members

H. _____ School Board

L. _____ Other, specify _____

I. _____ Solicitor/Lawyer

J. _____ Parents

M.

Signature of Individual submitting report

(over)

If space provided is insufficient, please attach changes, additions, marked copies, etc.

(1) Suggested Changes:

(2) Suggested Additions:

(3) Strongest Features:

(4) Weakest Features:

(5) If changes have been made on the document, please attach a marked copy.

NATIONAL GUIDELINES
for
STUDENT RIGHTS AND RESPONSIBILITIES
for
THE BUREAU OF INDIAN AFFAIRS

A DRAFT

The Constitution of the United States of America is a brief, concise document yet so carefully drawn that after almost 200 years, it still remains the backbone of a nation of 250 million people residing in 50 States, containing thousands of local governments. What makes this single, national code so versatile even through the wide gamut of political change during this period is its universality in a democratic society and its sound principles of human rights. Although it has been challenged frequently, occasionally amended and open to many interpretations, it permits great flexibility for local governments to operate according to the express wishes of the constituencies. It guarantees the basic rights of individuals in the nation and yet permits the people to determine their political destiny and individual choice. The simple language of the Constitution, particularly its Bill of Rights, protects the citizenry from possible challenge or threat. It is a national document vital to the nation as the protector of individual freedom.

The vast conglomeration of laws that comprise the statutes of the land have their basic roots in the Constitution yet have grown proportionately to the needs of society. This array of legal structures on all levels of government has been designed for the daily operation and routine of society; supportive of the needs of people in all aspects of their relationships. Despite the filtration of laws through the levels of government from the framework of the Constitution, there is a fundamental bond which protects the average citizen from the excesses or abuses of others or possibly of the government itself.

(over)

Throughout its long experience in providing educational programs for Indian students, the Bureau of Indian Affairs has sought to establish codes of behavior both for staff and students. These codes, mainly in respect to regulatory procedures, were incorporated into the Indian Affairs Manual. The procedures cover a wide range of activities, from admissions to rules against corporal punishment. They were introduced sporadically, occasionally modified but never put in a form which adequately covered the changing values of the social system nor the recent legal decisions dealing with the new position of youth in the American society.

Student Rights and Responsibilities Guidelines, as compared with the structure of the Constitution, subscribes to the same concept. It is meant to serve as a guide outlining steps that Bureau schools must consider in their relationships with students. The doctrine described here, however, deals with a variety of issues not faced by the Federal Constitution, and the courts have not yet agreed on the extent to which individual rights may be exercised within the school community. The BIA, as well as the non-Bureau education systems, serve youth of all ages in a multitude of situations. The Bureau, unlike the typical public school, also furnishes residence programs which operate on a 24-hour basis. The Guidelines, although broad, acknowledge the unique responsibilities Bureau education staff have to maintain the health, safety and welfare of its Indian student body.

ADMINISTRATIVE LEVELS OF GUIDELINES

NATIONAL LEVEL:

The prime concern on the national or Central Office level is the design of a broad framework of Student Rights and Responsibilities. It should be sufficiently sound in Federal law to permit the supporting levels to construct their programs without fear of constitutional violations in the conduct of school affairs. It should also avoid involvement with issues that comprise the operational responsibilities of the local school administrators.

AREA LEVEL:

The basic constitutional laws or relevant Federal court decisions frequently refer cases back to the States. It is within this domain that the areas should furnish the greatest assistance. Questions regarding pupil management, accreditation and related educational issues are primarily State responsibilities. The national role should be to give sufficient support to the Areas for the consideration of more specific details and for the monitoring local guidelines.

LOCAL LEVEL:

The local school personnel confront the many problems at this level, which provides direct services to students. Here the specific details must be planned using all of the human and material resources available. School personnel, students, parents, boards and community leaders all are affected by the policies at this level. Despite their need for the details, since school operations are mainly made up of these, the national and Area levels play an important part since their structure, if soundly built and legally fortified, will allow the local communities to plan with confidence in all matters related to Student Rights and Responsibilities.

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**THE LEGAL ROLE AND MORAL RESPONSIBILITIES OF THE
SCHOOL AUTHORITIES IN THEIR RELATIONSHIPS WITH STUDENTS**

The local school administrator, his staff and school board have agreed to provide the student body with the best educational opportunities possible within the total resources of the school and community. Additionally, they have made a commitment to all concerned that they will protect the health and safety of each student. It is incumbent, therefore, that the school administrator be afforded every opportunity not only to design a sound educational program but also to establish policies according to local, state and Federal laws relevant to the ages and maturity of the students under his jurisdiction. In cases where students, under law, have attained legal independence, reasonable rules or regulations should be applied on an individual basis without disrupting the school's operation. Students in this category, technically free of parental control do, however, have obligations to conform to school policies. Since in most boarding schools the age range is wide, great care is required in the development and implementation of student regulations, nevertheless, local school administrators, both in the cases of minors or young adults, should act in lieu of parents where necessary in the best interests of the individual as well as for the entire student body.

Administrative actions in this regard should also include the matter of search and seizure. Here again, reasonable and just approaches must be taken so as not to conflict with the basic constitutional rights of individuals. Local procedures which would involve student groups should be developed in these matters.

STUDENT RIGHTS AND RESPONSIBILITIES GUIDELINES

The following program outline therefore offers the foundation which the system accepts as vital and essential. It is based on law which is recognized nationwide, and adheres to the Constitutional rights of Native American students as members of the American society. It accepts the fact that minors (under the age of 18) as well as those who are older understand these precepts fully and respect their intent. Inherent in national guidelines is the concept of local control by the field offices and school personnel.

The Bureau of Indian Affairs' proposes these major areas to be fundamental in all of its schools:

- I. The Institution's relation to the student*
 - (a) the right of access to education as prescribed by current BIA criteria*
 - (b) the right to be involved in the organization of the total educational program*
 - (c) the right to confidentiality of information*
- II. Student Affairs*
 - (a) the right to freedom of association*
 - (b) the right to participate in institutional government through recognized student councils*
 - (c) the right to freedom of inquiry and expression*
- III. Rules, Discipline and Grievance Procedures*

Rules, Discipline and Grievance Procedures that are developed locally with the involvement of all parties concerned are the statutes which should prevail, providing, however, they do not conflict with the fundamental rights set forth by the Guidelines, the Federal Constitution, or the laws of the respective states and communities in which the schools are located.

(over)

Regulations on student behavior preferably should be formulated by a student-faculty committee and finally approved by the school administration and must be made available to all members of the school community. Grievance procedures should not only follow from disciplinary actions but should also permit students or their parents to register complaints to appropriate school authorities.

Schools have the inherent authority to discipline students, but, corresponding to this is the need to set forth rules and regulations which provide fair notice of what behavior is expected. School rules and regulations must be precise and specific rather than general criteria and set forth clearly on a fair and reasonable basis. As these rules and regulations pertain to constitutional rights, they must consider each particular right, what the law is with regard to the exercise of this right, and the characteristics of the school. However, to maintain orderly administration, disciplinary action for minor infractions of a behavior code should bear no relation to courses, credits, marks, graduation or similar academic areas, unless related to academic dishonesty.

Student Rights, Responsibilities, Due Process and Grievance procedures described herewith are more than a line of defense. The United States Supreme Court has affirmed that neither the 14th Amendment nor the Bill of Rights is for adults alone, and that no agent of the school or of a school board can compel a student to surrender his constitutional rights in exchange for the privilege of attending school. The school administration, however, is ultimately responsible for the maintenance of school regulations.

STUDENT RIGHTS:

- (1) *Every student enjoys those rights secured to him or her by the Constitution and laws of the United States. This includes:*
 - a. *right to an education*
 - b. *right to responsible degree of privacy and a safe and secure environment*
 - c. *right to make his own decisions when applicable*
 - d. *right to freedom of speech and his or her religion.*
 - e. *right to freedom from discrimination*
- (2) *Every student is entitled to due process in every instance of disciplinary actions which may lead to expulsion from the school: Due process shall include:*
 - a. *right to written notice of charges prior to formal hearing*
 - b. *right to fair and impartial hearing*
 - c. *right to counsel of his or her own choice.*
 - d. *right to cross examine*
 - e. *right to record of hearings*
 - f. *right to administrative review and appeal*
- (3) *Every student has responsibilities as prescribed in each school's code, however, major elements are defined in the student responsibilities section.*

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STUDENT RESPONSIBILITIES

The declaration of all human rights guaranteed by the Constitution as well as the school implies responsibilities that are the inevitable concomitant of rights. If students as members of the class of "all human beings" deserve the protection of the rights, they must also accept the responsibilities.

- 1. The student, in taking advantage of the right to education, must regard the job of obtaining that education as one of his duties to the community. It is the student's responsibility to attend all of his classes regularly.*

The student who does not attend classes is failing in his duty to the community and may also be in violation of local laws, and also interfering with the rights of other students.

- 2. The student's right to education, in combination with his right to a fair hearing in the determination of his rights and obligations, imply a responsibility to follow recognized rules, through recognized channels, in any case in which he feels that his rights are being jeopardized. Any other method of seeking changes in the educational situation, or redress for grievances, is a violation of the rights of teachers and the school administration. "The just requirements of ... public order" require that the student, just as any citizen, must inform himself of the proper methods and channels for complaints, and make use of them.*

- (3) *Just as the student has the right to be protected from bodily harm inflicted by employees or other persons and from unreasonable search and seizure, so he has the responsibility to refrain from inflicting bodily harm on other students or other persons and to respect the privacy of their property and correspondence.*
- (4) *A school, especially a residential school, is a community in miniature. It is the responsibility of the student to respond to community needs, and obey community rules with regard to environmental health, order, and proper use of community property.*
- (5) *The most basic human characteristics, those of reason and conscience, carry with them the responsibility to act toward all members of the community with respect and consideration.*