

BISMARCK PUBLIC SCHOOL DISTRICT #1
JOHNSON O'MALLEY INDIAN EDUCATION COMMITTEE BY-LAWS

The following are by-laws that have been established and approved by the Bismarck Public Schools JOM Indian Education committee.

ARTICLE I – REFERENCE

In accordance with the Indian Self Determination and Education Assistance Act – Johnson O'Malley Act of 1934, 25 CFR Part 273 of the federal regulations, a Parent Committee selected in accordance with federal regulations, will adopt and abide by reasonable by-laws for the conduct of the project for which assistance is sought.

ARTICLE II – NAME

The name of this committee shall be the Bismarck Public Schools JOM Indian Education Committee (IEC).

ARTICLE III - PURPOSE

The establishment and the work of the parent committee are to comply with the rules and regulations as found in the Federal Register, Vol. 40, No. 213, Tuesday, November 4, 1975. (Refer to 25 CFR Indians Sec. 273.16 Powers and Duties of Indian Education Committees and Sec. 273.17 Program approved by an Indian Education Committee to complete the purpose.)

Section 1. To raise the standards of school achievement of JOM Indian students through tutorial services.

Section 2. To help insure the availability and access to educational experiences and opportunities for the JOM students.

ARTICLE IV - MEMBERSHIP

Section 1: Establishment of the Indian Education Committee (IEC)

- A. According to sub-Part A, Sec. 273.15 of the November 4, 1975 regulations and Indian Education Committee are to be elected from the parents/legal guardians (including persons acting 'in loco parentis').
- B. The Indian Education Committee shall be composed of 4 members. Comprised of the chairperson, vice chair, secretary and a member at large.
- C. All IEC members must have formal authorization by action (motioned recorded in the minutes) to represent or speak on behalf of the IEC.

Section 2: Election of the 4 members of the IEC

- A. New members are elected in an open meeting for a term of two years by a majority vote of parents/legal guardians of eligible Indian students in attendance in a public school within the Bismarck Public School District #1.
- B. Two members are elected in odd calendar years and two members elected in even calendar years.
- C. Membership in the IEC cannot be transferred.
- D. Members may run for a second two year term if re-elected by the community
- E. The IEC elections are to elect the IEC members and not an election of officers. Officers are to be elected by the IEC members themselves at their first re-organizational meeting.

Section 3: Annual Elections/community voting rights

- A. The annual election meeting shall be held on the first Tuesday of September, or at a date as near to that day as determined by the IEC.
- B. Nominations for new IEC members shall be taken from the floor by an eligible voter at the duly called annual meeting.
- C. Individual votes shall be cast by secret ballot and tallied visibly so that all in attendance will know the results.
- D. The IEC chairperson or designee shall act as the election judge for the annual meeting. (The election judge should be a non-voting, non-partisan person of no relation to those running for the IEC.)
- E. The IEC will also have the option of having the election judge preside over the election of officers at the first official meeting of the new IEC.

Section 4: Voting Procedures

- A. Election procedures: the Bismarck Public Schools JOM IEC is made up of 4 parents or legal guardians of eligible JOM students.
- B. Eligibility to run for the IEC: according to the Federal Regulations – Sub part A, Section 273.15 “the Indian Education Committee is to be elected for the parents (including persons acting ‘in loco parentis’ – legal guardian) except school officials of the eligible Indian student on the schools affected by the subcontract under this part.” To avoid conflict of interest or give the appearance of a conflict of interest, school officials or their spouses, persons directly involved in oversight of the Bismarck Public Schools JOM Program should not be eligible to serve as committee members.
- C. Nominations at the Annual Meeting:
 - 1. Nominations must be an eligible JOM parent or guardian.
 - a. The Nominator must be an eligible JOM parent or guardian.
 - b. Votes shall be cast by secret ballot and tallied by the election judge.
 - c. Each person nominated will have an opportunity to give a 3-minute speech explaining why he or she wants to serve on the committee.
 - d. The top two vote recipient, will be seated as the new IEC members.

Section 5: Voting Rights for IEC members

- A. Each member of the IEC shall have one vote in any matter submitted to the parent committee for a general vote.
- B. Proxy voting and absentee ballots shall not be permitted.
- C. An IEC member may abstain only from a conflict of interest that is determined valid by the chairperson. If there is no conflict, the IEC member must cast a vote.
- D. The chairperson only votes in case of a tie among the other members.

Section 6: Termination of Membership

- A. Any IEC member may resign by submitting a written resignation to the Parent Committee.
- B. An IEC members shall be automatically removed from membership on the IEC for the following reasons:
 - 1. When a member does not attend three (3) regularly consecutive scheduled meetings without notifying the board.
 - 2. The child of the member is no longer enrolled in the Bismarck Public School District.
 - 3. For action or behavior that brings discredit to the Bismarck Public Schools IEC/JOM program.

Section 7: Vacancies

- A. The name of the next nominated candidate, who was not elected to the IEC at the annual meeting, will be listed as the alternate and will be utilized as the alternate for any member of the IEC who resigns, is terminated or otherwise ineligible to serve on the IEC.
- B. If the alternate is unable to serve, the IEC shall select by majority vote, an eligible JOM parent to fulfill the vacant IEC term.
- C. By affirmative vote of IEC members a vacancy can be filled.
- D. The newly elected IEC member will only serve for the unexpired portion of the term of the vacancy left by the resigning or dismissed IEC member.

Section 8: Powers and Duties

- A. Recommend curriculum, including texts and materials to be used in the contract program.
- B. Approve budget preparation and execution.
- C. Recommend criteria for employment in the program.
- D. Nominate up to 3 qualified prospective education program staff members from which the Bismarck Public School District will hire staff through its customary hiring procedures.
- E. Evaluate job position and program results and make recommendations to the District Administration.
- F. Secure a copy of the sub-contract application on file.
- G. Recommend cancellation or suspension of the approved program if the Bismarck Public School district #1 fails to permit the committee to exercise powers and duties.
- H. The organizational papers and by-laws of the IEC may include the following additional powers and duties which would permit the committee to:
 - 1. Participate in contract negotiations under this part.
 - 2. In consultation with the LEA (Local Education Agency) conduct an annual need assessment on the learning needs of the JOM students in the community affected.
 - 3. Have access to all necessary reports, evaluations, surveys and other program and budget related documents determined necessary by the committee to carry out its responsibilities subject only to provisions of 273.49.
 - 4. Request periodic reports and evaluations regarding the JOM program.
 - 5. Hear grievances related to the JOM education plan.
 - 6. Meet with the JOM professional staff serving the students along with the LEA.
 - 7. Review and approve the annual report.
 - 8. Hold IEC meetings on a regular basis that is open to the public.

ARTICLE V - DUTIES OF THE OFFICERS AND MEMBERS AT-LARGE

The officers of the IEC shall be; chairperson, vice-chair person, secretary and member-at-large. Other officers may be appointed as the IEC elects.

Section 1: Election, Terms of Office and Officers Selection. The IEC shall be elected by a majority vote at the annual committee elections; the committee members shall serve for two years.

- A. Nomination from floor by an eligible JOM parent/guardian.
- B. Individual secret ballots
- C. Ballots counted individually in a visible manner so all in attendance will know the results.
- D. Newly elected IEC members shall take their positions as IEC members at the first official meeting of after the annual election meeting.
- E. The current IEC members shall maintain their positions as the IEC until the completion of the annual election meeting.
- F. The presiding chair or remaining officer from current IEC shall call the first official meeting of the new IEC members.
- G. Each officer of the IEC shall hold his or her office from annual meeting to annual meeting.

H. Officers (chair, vice-chair and secretary) shall be elected by the first official meeting of the new committee. This will be considered the re-organizational meeting.

Section 2: Officer Vacancies. A vacancy of an officer of the IEC during the year may be filled by a majority vote of the IEC members present at a regular/special meeting. The newly elected officer shall serve only for the unexpired portion of the year term. The officer position may also be left vacant until the following annual meeting if so desired. (This would be beneficial if close to the annual meeting time.)

Section 3: Removal of IEC officer or member. Any officer may be removed by a two-thirds vote of all members present whenever it is in the best interest of the committee according to ARTICLE IV, Section 6, (B).

Section 4: Duties of the Officers and IEC Members At-large.

- A. Chairperson: The chairperson shall perform all duties incidental to the office of the chairperson and such other duties as may be prescribed by the IEC from time to time.
1. The Chairperson will preside over at all general meetings; conduct the same according to "Robert Rules of Order".
 2. Sign all official documents passed by the IEC as required with authority given by the IEC to do so.
 3. Prepare the meeting agendas in conjunction with the JOM Director/Coordinator.
 4. At the expiration of the Chairperson term of office, all records, etc. shall be turned over to the newly elected Chairperson within a period of 10 working days.
- B. Vice-chairperson:
1. The Vice-Chairperson shall assume the role of the Chairperson in his/her absence.
 2. Shall assist the Chairperson with all his/her duties
 3. Ensure that membership on the IEC is consistent with federal regulations
 4. Shall perform such other duties as may be prescribed by the committee from time to time.
- C. Secretary:
1. The Secretary shall keep the minutes of all meetings, regular, special and emergency.
 2. Shall provide minutes to the committee, JOM office and to such other persons as deemed necessary within 15 days of meeting.
 3. The Secretary shall see that all notices are given in accordance with the provisions of these by-laws,
 4. Keep a list of the address and phone numbers of each member.
 5. The Secretary shall perform other duties as prescribed by the IEC. In the absence of the elected Secretary, the Chairperson may request any member of the IEC to record minutes. At the expiration of the term all records shall be turned over to the Chairperson or newly elected Secretary within a period of 10 working days.
- D. Members At-Large:
The Member At-Large shall be present and participate at monthly meetings and perform other duties as prescribed by the IEC from time to time.
- E. All IEC members must have formal authorization by action and motion recorded in minutes to represent or speak on behalf of the IEC. No member of the IEC or any member of his/her immediate family, may be hired for a position with the Johnson O'Malley program.

ARTICLE VI - MEETINGS

The IEC shall meet not less than 6 times per year including the annual meeting. All meetings will be held using parliamentary procedures to conduct an orderly meeting. IEC meetings must be held in accordance with the school districts (contractor) meeting policies.

Section 1: Regular Meetings

- A. The date and the time of regular meetings will be decided by a motion and a majority vote at the first organizational meeting of a new school year.
- B. Notice of regular meetings shall be mailed to all eligible JOM parents with the date, time and location of the meeting no less than 5 days prior to meeting.
- C. IEC packets shall be given to each member not less than 5 days prior to each meeting. The packet should include: agenda, copy of the last IEC minutes, staff reports, and financial reports.
- D. All meetings shall be open to the public, in compliance with the Open Meeting Act of North Dakota.

Section 2: Special Meetings: Special meetings may be called by the IEC Chairperson or by a majority vote of the committee. All IEC members shall be given a two day notice by phone of the special meeting. The IEC members must be given the purpose of the special meeting. Agenda items must be limited to those areas of concern causing the call of the special meeting. No other items may be added or discussed during the meeting.

Section 3: Informal Meetings of the IEC: Informal meeting (work sessions) are conducted when a quorum of the IEC is not established at a regular or special meeting. No formal action (motions) will be taken at any informal meeting unless by action of the IEC noted from a previous meeting where the IEC has approved the Officers to act on behalf of the IEC.

Section 4: Executive Session Meeting: No minutes or recording are to be made in this session. The participants of an executive session are not to discuss or disclose the issues made known in the executive session. An executive session may be called by any 2 members of the IEC, before or during a regular IEC meeting. To qualify for an executive session, the issue must be one of the following:

- A. personnel matters
- B. misconduct with sensitive issues pertaining to program
- C. dealing with sensitive issues pertaining to the program
- D. once out of session a formal motion of action must be brought upon at the regular meeting (it can be tabled, vote up or down on the issue)

Section 5: Quorum: The presence of a simple majority of the Committee shall be required to constitute a quorum necessary for the transaction of the business of the IEC. No decision of the IEC shall be valid unless there is a majority vote of the members constituting a quorum. (IEC members must remember once the number for quorum is established, they give up their opportunity to vote if they are not present.)

Section 6: Agenda:

- A. The chairperson shall prepare the agenda for each meeting. Individual members of the IEC are encouraged to submit agenda items for the chairperson or present their proposals formally under the agenda item of "New Business".
- B. An item may be placed on the agenda by contacting the Chairperson at least 5 days prior to the regular meeting date.

ARTICLE VII - PARLIAMENTARY AUTHORITY

"Robert's Rules of Order Newly Revised" will rule, the Bismarck Public School District #1 IEC.

ARTICLE VIII - AMENDING THE BY-LAWS

The by-laws may be amended at any regular meeting by a majority vote of the member of the IEC in attendance. Provided that the amendment is to carry out the purpose and objectives of the parent

committee as cited in Article III, section 1-3. Any amendment must conform to the Rules and Regulations of the Federal Register, Code of Federal Regulations 25 CFR, Part 273.15.

ARTICLE IX - GRIEVANCE PROCEDURE

Grievance procedures for complaints from Bismarck Public School students, parents/guardians, community members and tribal representatives relating to program contracted under Johnson O'Malley shall be as follows:

Section 1: The complainant shall submit his/her grievance in writing to the IEC for investigative review and action.

- A. Upon receipt of a written complaint, the IEC shall, within 10 working days, make an investigation document and submit its findings to the complainant, plus the Bismarck Public Schools Director of the JOM Program and/or the Assistant Superintendent of Elementary Schools. If the complaint cannot be resolved within the specified time, then the IEC may request additional time from the complainant.
- B. If the complaint cannot be resolved by the IEC to the satisfaction of the complainant, the IEC shall forward the complaint with all investigative documents, findings and/or recommendation to the Bismarck Public Schools Director of the JOM Program and the Assistant Superintendent of Elementary Schools.

Section 2: The Bismarck Public Schools Director of the JOM Program and/or the Assistant Superintendent of Elementary Schools shall proceed as follows:

- A. Schedule a meeting with the IEC Board to be held within 10 working days after a complaint has been received.
- B. A grievance committee consisting of two IEC members, the Bismarck Public Schools Director of the JOM Program, the Assistant Superintendent of Elementary Schools, and a JOM staff member will review the complaint and investigate documents(s), findings and/or recommendations.
- C. Within 10 working days of this meeting, the Bismarck Public Schools Director of the JOM Program and/or the Assistant Superintendent of Elementary Schools will contact the complainant to assure the committee's disposition in resolving the complaint.
- D. If the complaint is not satisfied, the BPS Assistant Superintendent will forward the complaint with all investigative documents, findings and/or recommendations to the Standing Rock Sioux Tribe Johnson O'Malley Director for review and action.
- E. The findings of the Standing Rock Sioux Tribe Johnson O'Malley Director shall be final.

ARTICLE X – DISSOLVEMENT

If and when the Bismarck Public School District #1 IEC is to dissolve, the IEC shall divest itself according to appropriate federal rules and regulations pertaining to funds and equipment.

ARTICLE XI – RATIFICATION

These by-laws shall be declared adopted by the IEC when passed by majority of the full membership of the Committee, at a general meeting of the committee.

The Bismarck Public School District #1 IEC, at a regular meeting held on February 5, 2008, approves these by-laws

IN WITNESS THEREOF,

Chairperson

Date

Vice-Chairperson

Date

Secretary

Date

Bismarck Public Schools Representative

Date