

**By-Laws of the  
Lakota Education Committee**

**Under the**

**Mobridge-Pollock School District #62-6**

**As required by the Johnson O'Malley Program**

**(Title VII)**

**Mobridge-Pollock School District #62-6**

**1107 1<sup>st</sup> Ave East**

**Mobridge, SD 57601**

**(605)-845-9211**

## **Indian Education Committee By-Laws**

The following are by-laws that have been established and approved by the Mobridge-Pollock Lakota Education Committee JOM IEC.

### **Mission Statement:**

To promote the welfare of Indian children and youth in home, school, community and tribes.

To raise the standards of school achievement of Indian children.

To bring into closer relationship the home and the school so that parents and teachers may cooperate intelligently in the education of Indian children and youth.

### **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 regulation, 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 Mobridge-Pollock Lakota Education Committee.

### **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, Nov. 4<sup>th</sup> 1975. (Refer to 25 CFR Indian Sec. 273.16 Powers and Duties of Indian Education Committees and Sec. 273.17 Programs approved by an Indian Education Committee to complete the purpose.)

### **Article IV – Membership**

#### **Section 1. Establishment of the Indian Education Committee**

- A. According the Sub-Part A, Sec. 273.15 of the Nov. 4, 1975 regulations and Indian Education Committee is to be elected from the Native American parents/legal guardians eligible to participate in the JOM program.
- B. The Indian Education Committee shall be composed of 5 Native American parents/guardians comprised of the Chairperson, Vice Chair, Secretary, two at-large members, Teacher rep and two

student reps. (The IEC may be comprised of any number of members. There is no specific number listed in the regulations. You may also have a treasurer and sergeant at-arms if so desired.)

C. All IEC members must have formal authorization by action (motion recorded in minutes) to represent or speak on behalf of the IEC.

#### Section 2. Election

- A. New members are elected in an open meeting for a term of two years by majority vote of parents/guardians of eligible Indian students in attendance in a public school within the Mobridge-Pollock School District.
- B. Two members are elected in odd calendar years and three members are elected in even calendar years.
- C. Membership in the Indian Education Committee cannot be transferred.
- D. Members may run for a second, two year term if reelected by the community.
- E. The IEC elections are to elect the IEC members are 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 3<sup>rd</sup> Wednesday of a date near to that day as determined by the IEC.
- B. Nominations for new IEC members shall be taken from floor by an eligible voter at duty called Annual Meeting. (An eligible voter being a parent or legal guardian of an eligible JOM student, if you give out the ballots at the door when the parents check-in, just by having a ballot will denote that they are eligible.)
- 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 shall be a non-voting, person of no relation to those running for 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 Lakota Education Committee.

#### Section 4. Election Voting Procedures

- A. Election Procedures: The Mobridge-Pollock Lakota Education Committee is made of 5 parents or legal guardians of eligible JOM students.
- B. Eligibility to run for the IEC: According 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.” (This is where you might want to insert the provision of extended family members acting) grandparents as guardians included.  
To avoid conflict of interest or give appearance of a conflict of interest, school officials or their spouses, persons directly involved in oversight of the name of the tribe JOM program (if this is in for a tribal contract) should not be eligible to serve as committee members.
- C. Nominations at the Annual Meeting
  - 1. Nominations for new members shall be taken from the floor at the meeting.
- A. The nominator must be an eligible JOM parent or guardian.
- B. Votes shall be cast by secret ballot and tallied by the elected judge.
- C. Each person nominated will have an opportunity to give a 3 minute speech explaining why they want to serve on the committee.
- D. The top (2or 3) vote recipient, depending on it being an odd or even year, will be seated as the new IEC members. (The officers should be selected by the newly elected IEC board members. This way the board selects their own leadership and you don’t scare off potential parents who don’t want to be chairperson or vice chair.)
- E. The Responsibilities of an IEC member
  - 1. Attend monthly meetings
  - 2. Assist other IEC members in planning and implementing program and special events.

### Section 5. Voting Rights - for IEC meetings

- 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 balloting shall not be permitted
- C. An IEC member may abstain only from a conflict of interest that is determine valid by the chairperson. If there is no conflict, the IEC member must cast a vote.
- D. The Chairperson may only vote in case of a tie among the other members.

### Section 6 Termination of Membership

- A. Any IEC member may resign by giving a written resignation to the parent committee.
- B. An IEC member shall be automatically removed from membership on the Indian Education Committee for the following reasons: 1. The member does not attend any regular or special meetings of the committee for 2 consecutive months. (you may set your own time limit, ie.. 2 consecutive meetings, 3 out or 5 meetings, .....)
- 2. The child of the member is no longer enrolled in the **Mobridge/ Pollocks** school district.
- 3. For action or behavior that brings discredit to the **Mobridge Lakota Education IEC/JOM** Program. (you may want to list the type of behavior, but always make sure you add "but not limited to" .... )
- 4. A recall petition towards an IEC member signed by \_\_\_#\_\_\_ JOM parents shall call for action of removal if just cause has been sited and that the IEC member has been given warning of such action. The cause for the recall petition may be: (you can list what causes you see fit)

### Section 7 Vacancies

- A. Names of the nominated candidates, who were not elected to the IEC at the Annual Meeting, will be listed as alternates and will be utilized as alternates for any member of the IEC who resigns, is terminated or otherwise ineligible to serve on the IEC.
- B. If the alternates are not able to serve, the IEC shall select by majority vote, an eligible JOM parent to fulfill the vacant IEC term.
- C. By affirmative vote of members of the committee, a vacancy can be filled.

- D. The new member will only serve the remaining time of the vacancy.
- E. If the new member replaces an IEC officer, that officer position does not transfer to the new member.
- F. The newly elected IEC member will only serve only for the unexpired portion of the term of the vacancy left by the IEC member.
- G. An election among the IEC members shall be held to replace the officer whose position has become vacant. (This means that there could be a reassignment of the officers during the year)

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***Section 8 Powers and Duties***

- A. Recommend curriculum, including texts, materials and teaching methods to be used in the contract programs
- B. Approve budget preparation and execution
- C. Recommend criteria for employment in the program
- D. Nominate up to three qualified prospective staff members from which School District would select for interview and review for hire.
- E. Evaluate job positions and program results and make recommendations to the School District Administration.
- F. Secure and have available a copy of the sub-contract application on file.
- G. Recommend cancellation or suspension of approved program if the Mobridge School District fails to permit committee to exercise powers and duties.
- H. The organizational papers and by-laws of the Indian Education Committee may include additional powers and duties which would permit the Committee:
  1. Participate in negotiations concerning all contracts under this part.
  2. Make an annual assessment of the learning needs of Indian children in the community affected.
  3. Have access to all 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 Indian Education program. (Staff reports)
  5. Hear grievances related to programs in the education plan.
  6. Meet with the Mobridge Lakota Education Committee JOM staff serving the Indian children and with local education agencies.

7. Hold committee meetings on a regular basis which are open to the public.
8. Review and approve the Annual Program Report.
9. Have such additional powers as are consistent with these regulations

#### **ARTICLE V - Officers**

The officers of the Indian Education Committee shall be a chairperson, vice-chair and secretary. Other officers may be appointed as the committee elects. ( or other offices if so desired)

##### **Section 1. Election , Terms of Office and Officers selection**

The Indian Education Committee shall be elected by a majority vote at the annual committee election, the committee members shall serve for two years.

- A. Nomination from floor by an eligible JOM parent / guardian
- B. Individual ballots
- C. Ballots counted individually in a visible manner.
- D. Newly elected IEC members shall take their positions as IEC members, at the first official meeting of the new Indian Education Committee
- E. The current IEC members shall maintain their positions as the IEC until the completion of the Annual Election Meeting. The presiding Chairperson (or a remaining officer from the current IEC, if the Chairperson is not re-elected) shall call the first official meeting of the 'new' IEC members.
- F. Officers (Chair, Vice chair and Secretary) shall be elected by the IEC at the first official meeting of the new Indian Education Committee. This will be considered a re-organizational meeting.
- G. Each officer of the IEC shall hold their office from annual meeting to annual meeting.

##### **Section 2. Officer Vacancies**

A vacancy of an officer of the Indian Education Committee 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. Page 53

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**

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 Indian Education Committee from time to time. The chairperson shall act on behalf of the IEC, by recorded by motion, of the IEC.

#### **Specific duties are:**

1. To preside over all general meetings
2. Prepare the meeting agendas in conjunction with the JOM Coordinator.
3. Sign on behalf of the IEC, all letters, reports and other committee documents as required with authority given by the IEC to do so.

#### **B. Vice-Chairperson**

The vice-chairperson shall:

1. Assume the role of the chairperson in his/her absence.
2. Ensure that membership on the Indian Education Committee is consistent with the federal regulations
3. Arrange for speakers and special programs.
4. Shall perform such other duties as may be prescribed by the committee from time to time.

#### **C. Secretary**

The Secretary shall:

1. Distribute to the IEC prior to the meetings the following: A. The agenda prepared by the Chairperson.  
B. Staff reports



C. IEC (monthly) packets shall be mailed to each member not less than 5 days prior to each meeting. The Monthly packets shall include:

1. The Agenda
4. Financial Reports
2. Copy of the last IEC meeting minutes
5. All regular meetings shall be
3. Staff Reports open to the public.

#### Section 2. Special Meeting

Special meetings of the IEC may be called by the Chairperson or by a majority vote of the committee. All IEC members shall be given a two day notice by telephone 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 meetings (work sessions) are conducted when a quorum of the IEC is not established at a regular or special meetings. 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 the executive session. An executive session may be called by any two members (this number can vary) 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 of an IEC member
- C. Dealing with sensitive issues pertaining to program
- D. Once out of session a formal motion of action must be brought up at the regular meeting. (Table, vote up or down on an 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 Indian Education Committee. No decision of the committee shall be valid unless there is a majority vote of the members constituting a quorum. (the number needed for a quorum may be any number, as long as it is stated in the by-laws. The IEC

B. The minutes of the previous committee meeting

D. Financial Reports

2. Keep the minutes of the regular, special and emergency meetings.

3. Shall provide minutes to the committee and to such other persons the committee may indicate.

4. Shall see that all notices are given in accordance with provisions of these by-laws.

5. Be custodian of the committee records.

6. Keep a list of the address and telephone numbers of each committee member.

7. The secretary shall perform other such duties as prescribed by the IEC from time to time.

D. Members At-Large

1. To be present at monthly meetings

2. To participate fully in the IEC meeting

3. Perform other such duties as prescribed by the IEC from time to time.

E. All IEC members must have formal authorization by action to represent or speak on behalf of the IEC.

Article VI. Meetings

The Indian Education Committee shall not meet less than 8 times a year including the Annual Meeting. A majority of the members present at any meeting may adjourn the 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 meeting policies. The IEC shall vote on all issues brought before them in accordance with the approved agenda.

Section 1. Regular Meetings

A. The date and time of the regular IEC meeting shall be the 3<sup>rd</sup> Wednesday of each month. (this can vary from IEC to IEC)

B. Notice of the regular meetings shall be published in the local newspaper stating the date, hours and location of the meeting.

Members once agree on the number for a quorum must remember that if an action is taken and they are not present to vote, they give up that opportunity to do so by the number they establish as a quorum. (A quorum shall consist of, 4 committee members, 3 of whom are Native American parents present at a meeting.)

#### Section 6. Agenda

- A. The agenda for each meeting shall be prepared by the chairperson. 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.
- C. In accordance with the SD Open Meeting ACT an agenda must be posted at the place of the regular meeting at least 24 hours in advance of the meeting.

#### Article VII – Parliamentary Authority

The JOM Indian Education Committee will conduct their meetings in accordance with Parliamentary Procedures.

#### Article VIII – Amending the BY-Laws

The by-laws shall be amended only at a regular meeting by a majority vote of the members 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. Ratification

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

#### Article X. Grievance

Grievance procedures for complaints from Mobridge-Pollock Indian Students, parents and JOM staff relating to programs contracted under Johnson O'Malley shall be as follows:

Section 1. The complaint shall submit a grievance in writing to the IEC for investigative review and action.

- A. Upon receipt of a written complaint, the IEC shall, within 15 working days, make an investigation document and submit its findings to the complainant. If the complaint cannot be resolved with the specified time, the IEC may request additional time from the complainant

B. If the complaint cannot be resolved by the Indian Education Committee to the satisfaction of the complainant, the IEC shall forward the complaint with all investigative documents, findings, and /or recommendations to the School District Administration..

**Section 2** The School District Administrator shall proceed as follows:

A. Schedule a meeting with the IEC Chairperson within 10 (you pick the number of days that bests your needs) working days after a complaint has been received.

B. A grievance committee consisting of: the School Administrator, IEC Chairperson and a IEC member, (or any number of IEC members) will review the complaint, investigative documents, findings, and /or recommendations.

C. Within 10 working days of this meeting, the School Administrator will contact the complainant to review the grievance committee disposition in resolving the complaint.

D. If the complainant is not satisfied, the School Administrator will forward the complaint with all investigative documents, findings, and /or recommendations to the JOM Program Manager for review and action. (you may use this if needed)

E. The findings of the Manager (or whoever you choose to be the final word) shall be final.

#### **ARTICLE XI - Ratification**

These By-Laws shall be declared adopted by the Indian Education Committee when passed by majority of the full membership of the committee, at a general meeting of the committee.

Theses By-Laws are approved by the **Mobridge Lakota** Education Committee at a regular meeting held on 8-21, 2019

IN WITNESS THEREOF,

M. Dennis Jde Mound

Chairperson Vice-Chairperson

Jim Schneck

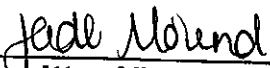
Secretary School District Representative

The signatures may include all the IEC members, the Chairperson and School District Representative or a limited number of IEC members. The bylaws must be signed and dated to be valid. Minutes of the IEC meeting where the minutes were approved must also be submitted along with the by-laws to show that the IEC voted to approve.

The foregoing revised By-Laws are hereby approved and confirmed as the By-Laws of the Mobridge Lakota Education Committee

  
Committee President


8-21-19  
Date

  
Committee Vice-President

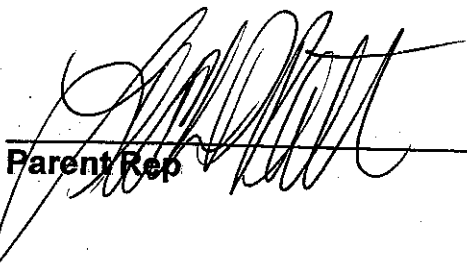
8-21-19  
Date

  
Committee Secretary

8-21-19  
Date

  
Parent Rep

8-21-19  
Date

  
Parent Rep

08/21/19  
Date

Lakota Education Meeting

Date: August 21<sup>st</sup>

Middle School Commons

\_\_\_\_\_  
President



\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Secretary

Cadee Peltier

Student Representative

\_\_\_\_\_  
Administration

Dasma Peltier

School Board Rep

\_\_\_\_\_  
Student Representative

  
\_\_\_\_\_  
Parent Representative

\_\_\_\_\_  
Teacher Representative

M Runnels  
\_\_\_\_\_  
Parent Representative

Visitors:

Monica Waringer

Stacy Thompson

Blaise Thompson

Jade Mound

Ellie Borah