

ANDES CENTRAL SCHOOL DISTRICT INDIAN EDUCATION COMMITTEE CONSTITUTION AND BY-LAWS

ARTICLE I

NAME OF ORGANIZATION

This organization is composed of parents/legal guardians of Indian children that attend the Andes Central School District 11-1. This organization shall be known hereafter as the Andes Central School District Indian Education Committee (IEC).

ARTICLE II

TERMINOLOGY

“Contractor” shall mean the Andes Central School District.

“Committee” shall mean the Andes Central School District Indian Education Committee.

“IEC” shall mean the Andes Central School District Indian Education Committee.

“Education Plan” shall mean a comprehensive plan for the programmatic and fiscal services of and accountability by a contractor for the education of eligible Indian students.

“JOM” shall mean Johnson-O’Malley Program.

“Supplemental programs” shall mean those programs that are above and beyond those services that are provided by the public school systems and that are designed to meet the specialized and unique educational needs of eligible Indian students. These shall include, but be not limited to: Title I, Title V, Title VII, JOM, and Impact Aid (P.L. 81-874).

ARTICLE III

OBJECTIVES

1. To carry out the provisions in the regulations of the Johnson-O’Malley Act.
2. To provide additional educational financial assistance to meet the special needs of Indian students attending the Andes Central School District.
3. To assist the local school board in raising the overall standards of education within the Andes Central School District.
4. To assist in the development of educational programs that will benefit the Indian students in the home, community, and the school system.
5. To assist in raising overall school achievement of Indian children in the Andes Central School District.
6. To develop stronger solidarity among the Indian families, the community, and the administration and staff of the Andes Central School District.
7. To insure that the community be informed on all major issues concerning education in District 11-1, the State of South Dakota, and the United States.

ARTICLE IV

POWERS OF THE COMMITTEE

This Constitution and By-Laws of the IEC shall include the following powers and duties but are not limited to:

Johnson-O'Malley Section

The Johnson O'Malley Rules and Regulations were included in Public Law 93-638 (Education Contracts under Johnson-O'Malley Act). The local Indian Education Committee's powers and responsibilities were increased. These powers CANNOT be abridged by the public school board, public school administrator, nor Tribal Council.

273.16 (a) Consistent with the purpose of the Indian Education Committee, such Committee shall be vested with the authority to:

1. Participate fully in the planning, development, implementation, and evaluation of programs, including both supplemental and operation support, conducted under a contract or contracts pursuant to the Part. Such participation shall include further authority to:
 - a. Recommend curricula, including tests, materials, and teaching methods to be used in the contracted program or programs.
 - b. Approve budget preparation and execution.
 - c. Recommend criteria for employment in the program.
 - d. Nominate a reasonable number of qualified prospective educational programmatic staff members from which the Contractor would be required to select.
 - e. Evaluate staff performance and program results and recommend appropriate action to the Contractor.
2. Approve and disapprove all programs contracted under this Part. All programs contracted pursuant to this Part shall require the prior approval of the IEC.
3. Secure a copy of the Negotiated JOM contract(s) which include the program(s) approval by the IEC.
4. Recommend to the Commissioner of Indian Education through the appropriate Bureau of Indian Education contracting officer cancellation or suspension of contract(s) which contain the program(s) approved by the IEC if the Contractor fails to permit such Committee to exercise its powers and duties as specified by this section.
5. Participate in negotiations concerning all contracts under this Part.
6. Make an annual needs assessment of the educational and learning needs of the Indian children of the Andes Central School District.
7. Have access to all reports, evaluations, surveys, and other programs and budget related documents determined necessary by the IEC to carry out its responsibilities subject only to the provisions of 273.49 (Freedom of Information Act).
8. Request periodic reports and evaluations regarding the Indian education program under this Part.
9. Hear grievances related to the JOM program under this Part.

10. Meet regularly with the professional staff serving the Indian children and with the administration, staff, and school board of the Contractor.
11. Hold IEC meetings on a regular basis, which are open to the public.
12. Have such additional powers as are consistent with these regulations in Part 273.
13. To act only in the capacity as described in Federal Register Volume 40, #213, dated 11/04/1975, Part II of the Indian Self-Determination and Educational Assistance Act, Article 273.16 under Sub-Part B for the Johnson O'Malley Program of the Andes Central Schools.

OTHER POWERS OF THE COMMITTEE

1. Assist the Andes Central School Board in developing and implementing educational programs and improving the overall standards of education for the schools.
2. Provide input into the choices of curriculum and staff of the Andes Central Schools.
3. Act as liaison between Indian parents, students, and the staff of Andes Central Schools to help resolve and diminish conflicts, and to assist in developing a stronger understanding of cultural differences between these parties.
4. Assist in developing and implementing written Indian Policies and Procedures as required by the Impact Aid Program to be followed by the participating school district.
5. Participate fully in the planning, development, implementation, and evaluation of **Title VI**, and Title VII Program, including supplemental and operation support, nominating qualified, staff, and evaluating staff performance and program results and recommend appropriate action to the Contractor.
6. Any other such powers not described in this Constitution and By-Laws but are consistent with the regulations described in this document.

ARTICLE V

MEMBERSHIP OF THE INDIAN EDUCATION COMMITTEE

The IEC shall consist of five (5) members, all of which must be parents or legal guardians of JOM eligible children and attend the Andes Central School District. If a member has no children in school during the last year of his/her term, that individual shall be allowed to complete that term. In the event that no petitions are received for an open board position, the IEC committee may appoint a parent/guardian of a Native American student who is enrolled at Andes Central, but is not JOM eligible.

1. Voting Members:
All elected or appointed members of the IEC.
 - a. Election of Members
 - i. Candidates must be parents or legal guardians of eligible Indian students attending the Andes Central School District 11-1.
 - ii. All parents and legal guardians of Indian children attending the Andes Central School District are eligible to vote in the election of the members of the IEC.

- iii. Eligible candidates may pick up a petition prepared by school officials any time after September 1st. Petitions must be submitted to the school Superintendent or designee within the next five (5) school days before Parent-Teachers Conferences.
- iv. Certification of all petitions shall be made by the Superintendent or the designee.
- v. The date of the election shall be set for the day of the Parent-Teachers Conference, or a date set by the IEC. The hours shall be the same as the Parent-Teachers Conference.
- vi. The site of the election shall be at the Andes Central School, located at 1001 High Street.
- vii. There shall be a verification of eligible voters, printing of ballots, adequate notice of the election in the Lake Andes Wave, the Announcer, and publically displayed in Lake Andes, selection of election-day officials, and any other issues deemed necessary by the IEC done in advance of the election.
- viii. School administrators, JOM staff members, and election officials shall count the votes within twenty-four (24) hours of the election. The results will be made known to the IEC, the petitioners, and any other individual that inquires.
- ix. New members shall assume office at the next regular meeting of the IEC.

b. Length of Term of Members

- i. Two members will be elected to serve two (2) year terms. Three members will be elected to serve three (3) year terms.
- ii. One of the two (2) year term members will be elected in even years, and the other one of the two (2) year term members will be elected in odd years.
- iii. When multiple seats are open, a drawing will be held to identify which term the member will be serving.

c. Attendance of Members

- i. Regular attendance at all of the IEC meetings is expected of all members.
- ii. If a member misses three (3) consecutive regular meetings, that member is automatically dismissed as a member of the IEC.

d. Unexpired Terms

If a vacancy exists due to a member resigning or being dismissed, the IEC shall appoint a parent or legal guardian of an eligible Indian student to fill the position. That person shall serve the rest of the unexpired term.

2. Non-Voting Members:

All other members of the committee that act in an informative or consultative capacity.

a. Non-Voting Positions

- i. The Superintendent (or appointed designee by the Superintendent) of the Andes Central School District shall be a permanent non-voting member of the IEC and shall not hold any office, but shall act as a consultant.
- ii. The Andes Central School Board shall appoint a representative to participate in the IEC meetings. Information will be shared with the committee on actions that the School Board takes.
- iii. The Home-School Coordinator/Student Support Coordinator or staff member will serve as the school representative. Staff will network with members of the committee to ensure that notices are received and announcements are properly sent out. Staff will act as a Cultural Resource Coordinator for the District and will be available to update committee members on programming and services that are provided within the classroom setting. Staff will also act as

- a consultant when discussing curriculum, content standards, and student achievement. Insight will be given when looking at how to develop strong family and community partnerships.
- iv. A student representative will be a member of the IEC and serve on an annual basis. Valuable insight will be gathered from this representative's perspective.

OFFICERS OF THE INDIAN EDUCATION COMMITTEE

1. Designation of Offices
 - a. The Officers of the IEC shall be Chairperson, Vice-Chairperson, and Secretary.
2. Duties of Officers

Chairperson: shall preside at all meetings of the IEC. The Chairperson shall give an oral report on the activities of the IEC at the Andes Central School Board meeting if specifically recommended by the IEC. The Chairperson shall represent the IEC at all area, regional, and state meetings. The Chairperson shall appoint another member of the IEC to represent him/her if unable to attend such meetings. The chairperson has the authority to sign JOM and Title VI documents.

Vice-Chairperson: shall perform the duties of the Chairperson in the absence of the Chairperson and shall assume the office of the Chairperson in the event of a vacancy in that office. In the absence of the chairperson, the vice-chairperson has the authority to sign JOM and title VI documents.

Secretary: shall keep an accurate record of all meetings which shall be submitted to the Superintendent of the Andes Central School District 11-1 and be made available on the district website.

3. Election of Officers
The election of the offices names above shall be at the first regularly scheduled meeting after the annual election.
4. Length of Terms of Officers
One year for each Officer.
5. Replacement of Officers
If the Chairperson is no longer a member of the IEC, the Vice-Chairperson shall assume that position. If the Vice-Chairperson or the Secretary need to be replaced the IEC shall elect the new officer.
6. Removal
Any officer may be removed by a two-thirds vote of all members present whenever it is in the best interest of the IEC.

ARTICLE VI

MEETINGS

1. Regular Meetings
The IEC shall hold regular monthly meetings with the date and time to be determined by the board. Fair compensation can be made to each IEC member for each meeting attended.
2. Special Meetings

Shall be called by the Chairperson of the IEC for any worthwhile purpose with at least one (1) day notice.

3. Quorum Requirements

A quorum of the IEC shall constitute three (3) members present for the transaction of business.

4. Place of Meetings

The IEC shall meet in an Andes Central School, or another place designated by the IEC.

5. Notice of Meetings

Notification of meetings to the IEC members shall be given at least two (2) days prior to a meeting in a memo to be received by mail, telephone, text, or email. Notification of meetings to the community and parents/legal guardians shall be given in the Lake Andes Wave and publically displayed in Lake Andes in ample time before the meeting.

6. Rules of Procedure

All IEC meetings shall be conducted using Roberts Rules and Orders as a guideline and with JOM Rules and Regulations from Public Law 93-638, Part 273 (Education Contracts under Johnson-O'Malley Act).

7. Meeting Open To

The IEC meetings shall be open to all Indian parents and legal guardians, and all other interested parties.

8. Order of Business

Meetings will follow an agenda approved by the IEC in accordance with Roberts Rules and Orders.

ARTICLE VII

AMENDMENTS

This Constitution and By-Laws may be amended at any regular Indian Education Committee meeting by the quorum consistent with PL 93-638 Part 273.3 (Revision or amendment of regulations), with final approval from the Andes Central School District. ~~and the Bureau of Indian Education in Aberdeen.~~

ARTICLE VIII

GRIEVANCES ABOUT THE JOHNSON-O'MALLEY PROGRAM

The following procedures will be ~~distributed dismissed~~, upon request, to all interested parties.

In the event that a parent, or the IEC, teachers, or other concerned individual or organization would have a complaint about any aspect of the JOM Program or its staff, the person(s) having the complaint concerning violations of the JOM Program will follow the following procedures to satisfy said complaint:

1. Within five (5) school days of the occurrence of said complaint, the person(s) having the complaint shall notify the JOM Director, IEC or the Superintendent in writing of all complaints. Within five (5) school days of receiving notice of the complaint, the JOM Director will respond in writing to the complainant, setting up a time and date to visit with the complainant(s).

2. If the above meeting does not solve the problem, the complainant(s) may, within three (3) school days, request in writing a meeting with the Superintendent, who will, in writing, notify the complainant(s) of the time and date for such meeting.
3. If the problem is not resolved by the Superintendent, the complainant(s) may appeal to the Andes Central School Board. The Board will set a time and date for a meeting to hear the grievance.
4. Should the complaint(s) still not be satisfied, they may appeal the School Board's decision to the Line Officer at the Bureau of Indian Education Line within thirty (30) days of receipt of the written decision of the Andes Central School Board.
5. The complaint(s) may present evidence or questions to parties concerns during any or all of the previously mentioned steps.