



Independent School District #38

School Board Policies & Procedures Manual

401.2 INDIAN PREFERENCE POLICY

I. Purpose

The purpose of this policy is to recognize that Independent School District No. 38, is located on the Red Lake Indian Reservation in the State of Minnesota. Where the student body of the District is primarily Native American Indian, and serves the Native American Indian children of the Red Lake Band of Chippewa Indians.

II. General Statement of Purpose

- A. The District policy is to comply with the Policy Statement on Native American Indian Preference under Title VII and the Native American Indian preference provision contained in Section 703(i) of Title VII of the Civil Rights Act of 1964, as amended.
- B. The District policy for Native American Indian Preference shall be a publicly announced employment practice. It will be announced on job postings, applications and the District webpage.
- C. It shall be the policy of the District to apply Native American Indian Preference points as follows:
 - 1. The Districts policy is to apply a 100-point scale to all interviewees to enable allocations of Native American Indian preference points and Veterans Preference Point.
 - i. 75 possible points will be reserved for the interview;
 - ii. Veteran points will be reserved as follows;
 - a. 10 possible points reserved for Non-Disabled Veterans; or
 - b. 15 possible points reserved for Disabled Veterans.
 - iii. Native American Indian Preference points will be reserved as follows;
 - a. 10 possible points shall be reserved for Native American Indians that meet the following conditions;

- i. Applicant has identified themselves on the District employment application as an enrolled member of a federally recognized Indian Tribe by means of documentation, such as an enrollment card; and
 - ii. The individual to whom preferential treatment must be a Native American Indian that is living on or near reservation.
2. The District will actively recruit Native American Indian staff to fill open positions.
3. District Administration will recommend the candidate with the highest total score to the school board.
4. The final decision as to whom to hire will be at the discretion of the school board.

III. Native American Indian Teacher Training and Retention

- A. Teachers in the District, with support from the State of Minnesota, has implemented a teacher training project for Red Lake Band members with the goal of hiring graduates of the program as District teachers.
- B. It is the judgement of the Board of Education, students of the District learn best from teachers who have common culture and heritage, and will greatly benefit from having persons from their own culture and heritage present in the school as role models.
- C. Minnesota Statute 124D.77 permits the Board of Education in placing a teacher on unrequested leave of absence, to retain a probationary teacher or a teacher with less seniority in order to retain a Native American Indian teacher, notwithstanding the provisions of Minnesota Statute 122A.40, subd 7, 10 or 11, 122A.41 subd. 4 and 14, and other laws or contract provisions.
- D. In placing any teacher or teachers on unrequested leave of absence the District may, at its discretion, retain a probationary teacher or a teacher with less seniority in order to retain a Native American Indian teacher regardless of the provisions of Minnesota Statutes 122A.40, subd 7, 10 or 11, or any contract provision. The District exercise its discretion as to whether a less senior or probationary Native American Indian teacher is retained on a case-by-case basis in consideration of the following factors:

- a. The Native American Indian teacher's performance and evaluations.
- b. The Native American Indian teacher's disciplinary record.
- c. The comparative types and number of licensure of the Native American Indian teacher and the more senior teacher(s) (who would be subject to placement of Unrequested Leave of Absence).
- d. The comparative capacity and enrollment in the subject matter(s) and grade level(s) taught by the Native American Indian teacher and the more senior teacher(s).
- e. The impact on the School District's educational programs.
- f. Other factors deemed to be in the best interests of the School District.

ADOPTED: March 4, 1991

Amended: February 23, 2022