

# **TAKINI SCHOOL BOARD**



## **CONSTITUTION**

**&**

## **BY-LAWS**

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Approved by Takini School Board Action February 17, 2024  
CRST TED Committee Approved March 18, 2024

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# CONSTITUTION

## ARTICLE I - NAME OF ORGANIZATION

TAKINI SCHOOL. The name of the organization shall be the Takini School. The Takini School is a tribally controlled school of the Cheyenne River Sioux Tribe organized and operating pursuant to this Constitution and By-laws adopted by the Cheyenne River Sioux Tribal Council, in accordance with the Cheyenne River Sioux Tribe Education Code, to serve the educational needs of students and the communities located within Districts 1, 2, 3, and 4 of the Cheyenne River Sioux Tribe. The organization shall be located at the Takini school site.

Utilizing its sovereign power and authority, the Cheyenne River Sioux Tribe, can create Boards, Committees and Commissions (CRST Constitution – Article II, Purpose and Constitutional Authority), that become sovereign extensions of the Tribe and is charged with the solemn responsibility of overseeing the affairs that have been conferred upon them.

The Cheyenne River Sioux Tribe, pursuant to the Constitution, Article IV, Section 1(f) and By-Law, Article VIII, Section 2(a) and (b), establishes school boards for the Tribally Controlled Schools operating on the Reservation and thereby has the power to confer educational control of the Takini School pursuant to Pub. L. No. 100-297, Part B, the Tribally Controlled School Act, 25 U.S.C. § 2501 et seq.

### Takini School Board Motto

"Woonspe Okolakiciye"

"A Learning Place for the Success of All"

## ARTICLE II - SCHOOL SERVICE AREA

The school service area of the Takini School includes Cheyenne River Sioux Tribe Districts 1, 2, 3, and 4. Takini School may serve students eligible under the ISEP formula residing outside the school boundaries but within the Cheyenne River Sioux Reservation or any trust lands outside the Reservation in unique circumstances when approved by the School Board.

## ARTICLE III - MOTTO, PHILOSOPHY, VISION

### MOTTO

Woonspe Okolakiciye

A Learning Place for the Success of All

### MISSION

To empower all learners for the challenges and changes of the 21<sup>st</sup> Century on and off the reservation.

### PHILOSOPHY

Takini School operates in accordance with these beliefs:

- Partnerships between schools and communities strengthen the

educational Environment.

- Every learner progresses at his or her own pace. We must assist in the educational process of the whole child.
- A positive self-image is imperative for learner success.
- The teaching and modeling of traditional values, respect, generosity, courage, spirituality, and wisdom will promote cultural awareness in all learners.

## **VISION**

- All staff, students, and their families are a spiritual community.
- Teamwork is the essence of life.
- The environment is nurturing and safe.
- We are confident and pursue our dreams.

## **ARTICLE IV - SIGNIFICANT EXIT OUTCOMES/ROLES**

Our students will be:

**SELF - DIRECTED LEARNERS** who

- Acknowledge and embrace positive core values
- Create a vision for themselves and their future
- Analyze their present situation
- Generate options
- Set priorities and goals
- Assume responsibility
- Plan strategies
- Anticipate consequences
- Monitor and evaluate progress
- Revise and/or progress toward their visions

**PERCEPTIVE THINKERS** and **CREATIVE PROBLEM SOLVERS** who

- Develop and use multiple frames of reference
- Identify, assess, and integrate information and resources
- Make decisions
- Solve complex problems
- Foster both the intuitive and the logical rational faculty of the brain

**EFFECTIVE COMMUNICATORS** who

- Express thoughts and needs verbally and non-verbally
- Evaluate audience reception
- Modify expressions of ideas accordingly
- Read
- Listen
- Process, interpret, and convey information

HEALTHY INDIVIDUALS, COMMUNITY CONTRIBUTORS, and ENVIRONMENTAL CARETAKERS who

- Commit to a group
- Exercise personal responsibility
- Achieve and sustain wellness
- Choose attitudes that will raise self-esteem
- Accept situations they cannot change
- Courageously change situations they can
- Resolve conflict in a constructive manner
- Respect social norms and traditions
- Maintain personal integrity
- Use their time, energies, and talents to improve the welfare of themselves and others
- Want to improve the quality of life in their communities and our larger global environment

COOPERATIVE/COLLABORATIVE WORKERS and CREATIVE PRODUCERS who

- Use effective leadership and group skills
- Foster, develop, and sustain supportive relationships
- Transcend cultural, artistic, and practical products
- Produce high quality work
- Use advanced technologies

CULTURALLY AWARE INDIVIDUALS who

- Understand and respect Lakota language and culture
- Establish individual identities within their cultures
- Realize the diversity of cultures in our world
- Build relationships with members of other cultures
- Accept their cultural identity
- Acknowledge link with past
- Model culture's values and lifestyle

## **ARTICLE V - POWERS AND POLICIES**

The Cheyenne River Sioux Tribe does, by approving this Constitution and By-Laws, delegate to the Takini School Board, the powers and authorities set forth in this Constitution and By-laws, subject to the following operating understandings and limitations to guide the Takini School Board in the exercising the power that has been delegated. No action of the School Board or employees shall be inconsistent with Tribal laws or the Takini School Constitution and By-laws.

Indian Tribes entered into Treaties with the United States government with specific stipulations for the responsibility of providing educational services in exchange for peace. The treaty and trust responsibilities of the Federal government have been carried out by establishing schools on Indian reservations and off reservation boarding schools. Pub. L. No. 100-297 Part B, the

Tribally Controlled Schools Act, 25 U.S.C. § 2501 et seq., encourages Tribal governments to assume control of Schools operating within their exterior boundaries. The Takini School shall perform responsibilities described in Pub. L. No. 100-297, and 25 U.S.C. § 2501, et seq., including, but not limited to School Board functions according to the Tribal Education Code and this Constitution and By- Laws.

The School Board has the following powers and duties:

**Section A. Policies.** The Takini School Board's primary responsibility is to conduct school affairs according to appropriate School Policies that are established to enhance and protect the students and their educational well-being and that permit the school to participate as a lawful educational entity under tribal and federal law. Failure to do so can result in loss of State and Federal funding, as well as loss of accreditation status.

The School Board has the power to adopt policies governing the operation of the School. Policies approved by the School Board may be temporarily enacted pending approval by the Cheyenne River Sioux Tribe Education Committee.

The Takini School Board Policies are completed in cooperation with students, parents, teachers/coaches, School Board Members, support staff, and administration. The Constitution, mission, philosophy, goals, outcomes, policies, and By-Laws of Takini School will be reviewed yearly during the annual School Board Meeting/Retreat and the recommendations will be presented to the CRST Education Committee. The process for this is as follows:

- Board members, Administrative staff (Chief Administrator and Principal(s)), and Business Manager review their copies and note any suggested changes or revisions.
- Make copies of pages containing any suggested changes and turn those in to the school office.
- Suggested changes will be compiled and reviewed with the School Board for consensus.
- If there is consensus, the changes will be presented to the CRST Education Committee for approval.
- CRST Education Committee approved changes will be presented for implementation at a regular School Board meeting.
- After final approval, the policies will be printed.

**Section B. Tribal Law.** The Takini School Board has the responsibility to uphold the Laws of the Cheyenne River Sioux Tribe and may not take action that is inconsistent or not in accordance with Tribal Laws and regulations regarding funding, personnel, standards, policy development, program evaluation, curriculum approval, and representation of the Tribal community.

Any action that is or will be contrary to Tribal Laws and regulations must occur with Cheyenne River Sioux Tribal Council ("Tribal Council") awareness and final approval before implementation. The Board shall not waive Indian Preference in employment. This power is reserved to the Cheyenne River Sioux Tribe Education Committee.

**Section C. Non-Profit Educational Purpose.** The Takini School shall operate exclusively for educational, charitable, and scientific purposes and shall acquire Section 501(c)(3) status of the IRS Code of 1954 in order to receive donations and gifts from foundations and individuals as Tribally Chartered non-profit Pre-School thru 12<sup>th</sup> Grade entity.

**Section D.** The Takini School Board has the power to sue and shall be protected from suit under the umbrella of sovereignty that is enjoyed by the Tribe and its chartered organizations. The Board shall not have the power to mortgage, pledge, or encumber any property of the Cheyenne River Sioux Tribe, and the Tribe shall not be liable for any debts of the Takini School.

**Section E.** The Takini School Board shall have the responsibility to oversee the operations of the Takini School and shall have the powers necessary to fulfill this responsibility. Below is a general list of School Board powers and duties:

1. Authority to create an administrative structure for supervision of employees; hire an instructional staff to implement the instructional program; establish a financial system to handle business affairs; develop and manage a facilities/maintenance system; engage in all other applicable and legal activities that enable the Board in creating the best learning situation for its students.
2. The Takini School Board shall serve as a governing school board for the Takini School. All programs and proposals relating to curriculum, instructional services, personnel, food services, fiscal and budgetary matters, transportation, janitorial and routine maintenance and pupil personnel service of the Takini School shall be submitted to the said Takini School Board for its consideration and approval. The Takini School Board shall have the authority to make a final decision on all such matters, unless delegated to administrators by the Cheyenne River Education Committee.
3. The duty to act consistent with tribal laws including the CRST Education Code.
4. The power to act formally without a meeting if all School Board Members have consented to the action which will be taken. The action shall be ratified and made a part of the minutes in the next Regular Board Meeting.
5. The authority to set a regular monthly Board Meeting and call a special meeting if necessary.
6. The responsibility to notify the Tribal Secretary if a School Board position is vacated prior to the expiration of a Board Member's term.
7. The power to remove officers for cause.
8. The authority to designate and appoint Committees and to appoint a Committee Chairperson.



9. The power to pass a resolution establishing a fixed stipend and expenses for School Board members for attendance at regular or special meetings and training, provided that such amounts do not exceed the limits on School Board meetings and expenditures set forth in the Cheyenne River Sioux Tribe Education Code.
10. The authority to hire and discharge personnel of the Takini School in accordance with Takini School prescribed policies and procedures.
11. The duty to consider programs and problems of significance to the students it serves.
12. The duty to plan such activities for the Takini School that are required in order that the school may carry out its mission.
13. The authority to work with parental advisory groups.
14. The authority to establish any other organization such as PTA, provided that they are legally organized under tribal law and not in conflict with the Constitution, By-laws, or policies. Such organization shall function in conjunction with the Takini School Board and administration in an advisory capacity only.
15. The authority to recommend to the Cheyenne River Education Committee, pursuant to the CRST Tribal Education Code, Ordinance No. 82, as may be amended from time to time, for subsequent approval by the Cheyenne River Sioux Tribal Council, such resolutions, ordinances, or council actions as may be required to implement the intent of these policies.
16. The authority to accept funds appropriated or granted to Takini School for the purpose of fulfilling the Takini School's purposes and duties.
17. The authority to enter into contracts.
18. The authority to issue checks, drafts, or orders for the payment of money, notes or other indebtedness issued in the name of the school. The School Board shall designate not less than three (3) Board members, which shall include the Board Chairperson and Vice-Chairperson, to sign checks for the Takini School at all times by resolution or motion.
19. The authority to deposit funds received.
20. The authority to accept gifts.

21. The duty to keep correct and complete financial books and records, and to conduct an annual audit.

## **ARTICLE VI - BOARD MEMBERSHIP**

### **Section A – School Board Membership**

There will be five (5) members on the school board, pursuant to CRST Education Code, Ordinance No. 82, Section 302, as may be amended from time to time. Pursuant to Section 305, the term of office of a school board member shall be four (4) years. For the initial election, lots shall be drawn for three (3) two-year terms for five-member boards. Thereafter, at all succeeding elections, the vacant positions shall be filled for a term of four (4) years.

### **Section B – School Board Candidate Eligibility**

To serve on the school board, an individual must meet the following criteria, as established by the CRST Tribal Education Code, Ordinance No. 82, as may be amended from time to time:

1. Any person elected as a school board member shall be an enrolled member of the Cheyenne River Sioux Tribe, and shall be twenty-one (21) years of age or over at the time of his/her election.
2. No employee of the Takini School shall be elected as a school board member. No employee of the Cheyenne River Sioux Tribe shall be elected as a school board member if that employee's job duties give them access to the school finances and/or allows them to influence outcomes for that school or educational program.
3. No person found guilty of, or entered a plea of nolo contendere or guilty to, any offense under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children is eligible for election, as required under the Indian Child Protection and Family Violence Prevention Act, Pub. L. 101-630, 104 Stat. 4531 (codified at 18 U.S.C. § 1169, 25 U.S.C. §§ 3201-3211), which meets the requirements of the Bureau of Indian Education Background check regulations.
4. No person removed from office as a school board member under Section 306 (b) and (c) of the CRST Education Code shall be elected as a school board member.
5. The Tribal Election Board shall be the sole judge of the qualifications for school board.
6. All school board members shall be elected from their respective school service area District, and shall be a resident of the school service area from which they are elected.
7. School board members do not need to have a child currently attending the school.
8. School board members may not serve on more than one school board.
9. More than one member of the same immediate family, meaning spouses or siblings or parents and children, may not serve on the same school board.

### **Section C – School Board Vacancies and School Board Member Removal**

**1. Vacancies.**

A school board seat shall be deemed vacant by the Takini School Board when a School Board member:

- a. Dies;
- b. Resigns;
- c. No longer physically resides within the district which the Board Member is representing;
- d. Is suffering from a mental illness rendering her/him unfit for membership, as determined by a qualified mental health professional.
- e. Is removed from office.

2. **Automatic Removal.** Any board member who, during their term of office, is convicted of a crime that would make them ineligible for school board membership, becomes employed by the school, or misses three (3) consecutive regular meetings of the school board that are unexcused, is automatically removed from office by operation of law and a School Board member removed for one of these reasons is not entitled to a hearing prior to removal. The school board may take action to recognize the removal of the school board member and declare that seat vacant.

A school board member must report all of their criminal convictions that occur during their term of office to the Tribal Secretary and to the School's Chief Administrator, who shall report it to the CRST Education Department Director.

3. **Discipline, Suspension or Removal by the School Board.** The School Board may also discipline, suspend or remove a School Board member for the following reasons after notice and a hearing:

- a. Violation of Takini School Policies.
- b. Violation of the School Board Code of Ethics
- c. Violation of the terms and conditions of the Letter of Agreement
- d. Conduct that damages the reputation of the Takini School or disrupts the educational operation of Takini School.
- e. A School Board member who has been removed may petition the Tribal Court to review the removal action, and the Court may affirm or rescind the action without further review or appeal.

4. **Discipline, Suspension or Removal by the Cheyenne River Sioux Tribe Education Committee.** If the Education Director presents evidence to the Education Committee at a meeting where a quorum is present that a school board member has violated the terms of his or her Letter of Agreement, and has been given a reasonable opportunity to cure said violations and has not done so, and the school board member has been given notice and an opportunity to appear at that Education Committee meeting and respond to said evidence, then the Education Committee may remove the school board member by majority vote. The vote of the Education Committee shall be final, and no appeal to the Tribal Court shall be given.

5. **Removal by the Cheyenne River Sioux Tribal Court.** Board members may be removed

by petition to the Tribal Court for misconduct in office if he or she has willfully and flagrantly exercised authority or power not authorized by law, refused or willfully neglected to enforce the law or to perform any official duty imposed on him or her by law, or is guilty of gross neglect of duty. A petitioner must file a specific accusation of misconduct in office in Tribal Court. The petition must contain valid signatures by people who live in the school district equal to 15 percent of the total votes cast in the last school board election. After the petition is submitted to the Tribal Court, a hearing must be held within 30 days. If evidence is presented at the hearing showing misconduct in office by clear and convincing evidence, then the Court shall issue an order removing the school board member and declaring the seat vacant.

## **ARTICLE VII - NOMINATION AND ELECTION**

Nominations and election shall be governed by the CRST Education Code, Ordinance No. 82, and Ordinance No. 14, Elections, as may be amended from time to time.

## **ARTICLE VIII - AMENDMENTS**

The Takini School Board Constitution and By-Laws became fully effective when approved by the CRST Education Committee.

Amendments, changes, addition, deletions, etc. to this constitution may be recommended at any regular meeting of the Takini School Board by a unanimous vote of the board members present, provided there is a quorum, and presented to the CRST Education Committee for approval.

## **BY-LAWS**

### **ARTICLE I - OFFICERS, SELECTIONS & DUTIES**

At the first regular meeting of the Takini School Board after each election, the board shall elect from membership, a Chairperson and a Vice-Chairman. These officers will serve a one-year term. The School Board meeting will be considered the reorganization meeting, officers will be elected, and the Code of Ethics will be approved for the next school year. The duties of the officers are as follows:

- A. Chairperson - the Chairperson of the Board will preside over all meetings of the Board and will perform all the duties of the Chairperson and exercise all authority delegated to him/her by the Board.
- B. Vice-Chairperson - the Vice-Chairperson of the Board shall assist the Chairperson when called to do so and shall preside in the absence of the Chairperson. When so presiding, he/she shall have all rights, privileges, duties, and responsibilities of the Chairperson.

### **ARTICLE II – MEETING**

The school board shall hold one regular meeting monthly. The Chairperson and Chief

Administrator shall be responsible for notifying the other board members. A quorum of three (3) board members is required to conduct a business meeting.

Parents and other community members are welcome to attend all regular board meetings to observe and offer suggestions. Only school board members shall vote and make motions at these meetings.

All meetings of the Board shall commence as a public meeting. Regular business of the school board shall not be acted upon in executive session. The Board may enter into Executive Session upon the approval of a Motion to Declare an Executive Session for the following purposes as specified by law:

- a. To address confidential matters;
- b. To address matters concerning personnel including but not limited to personnel appointment, discipline, or termination;
- c. To discuss acquisition of real property or litigation brought by or against the School;
- d. To consider information regarding the appointment of or disciplinary action or removal of a Board Member;
- e. To conduct a hearing on a student disciplinary action or to discuss any matter involving a student;
- f. To protect attorney/client privilege recognized by Tribal or Federal law(s);
- g. To take any other action where Tribal or Federal law requires a closed session;
- h. To protect the privacy of students or employees.

Violation of the confidentiality of an Executive Session by a Board Member or employee may be grounds for discipline, suspension or termination/removal.

Actions of the school board may only be enacted by a simple majority of the quorum of elected members. The school board may adopt other such rules of procedure for conducting business that they consider appropriate.

Regular Meetings are held on the second (2nd) Monday of the month at 6:30 p.m. at the Takini School unless a holiday, the following day the meeting will be held. The School Board may change the date and time of the Regular Meeting by passing a Resolution changing the date and/or time, posting notice of the Resolution publicly on the school website and in the community, and filing a copy with the Cheyenne River Sioux Tribe Education Department.

Special Meetings may be called, four (4) of which shall be included in the school board budget pursuant to Section 309 of the CRST Education Code, Ordinance No. 82. Pursuant to CRST Education Code Section 310, the School must post public notice of a special meeting at least twenty-four (24) hours prior to the meeting. The purpose of all special meetings must be in writing and included in the notice to community members and in the school board minutes. Up to four (4) special meetings may be included in the school board budget. If the school board calls over four (4) special meetings in a single school year, no stipend for attendance shall be issued to board members unless the Tribal Education Agency and Education Committee approves the payment of a board member stipend. School board meetings called for the purpose of student disciplinary hearings, appeals, personnel hearings, and the annual school board policy review

shall not be included in the count of special meetings.

The Takini School Board shall follow the guidance of the Education Committee, pursuant to Section 202 and Section 301(b) of the CRST Education Code, Ordinance No. 82, by providing written educational data to the Education Agency annually following the format provided by the Agency; ensuring that educators participate effectively in the Cheyenne River Consortium of Schools; ensuring that their administrators participate effectively in the on-site assessment evaluation teams provided for by this Code; and cooperating generally with the oversight and monitoring activities of the Education Agency.

### **ARTICLE III - MEETING PROCEDURES**

Regular Board Meetings are held at 6:00 p.m. at the Takini School on the second (2nd) Monday of each month. The following format will be used in conducting the meetings:

- I. Call to Order
- II. Invocation
- III. Agenda Approval
- IV. Reading/Approval of Minutes
- V. Other Community Input\*\*(5 minute) and Reports
- VI. Financial Report
- VII. New Business
- VIII. Administration Report
- IX. Open Discussion
- X. Adjournment

Executive Sessions (if needed) are held at the School Board meeting. Additional Executive session time if needed may take place during the regular School Board meetings.

**Note:** Community Input is always welcome. And although scheduled on the agenda the Takini School Board allows community members to give input for five (5) minutes.

### **ARTICLE IV -ATTENDANCE, VACANCIES, REMOVAL**

#### **Section A Attendance.**

Takini School board members may resign at any time. A retiring member shall furnish the new member with his or her accumulated materials. The resignation must be in writing and presented to the School Board Chairman.

If a member of the Takini School Board shall miss three consecutive meetings without notifying the Chairperson of his/her absence, this will be considered as lack of interest in the School Board and the Board, at the next regular meeting, will remove this person from membership on the Board.

**Section B  
Vacancies.**

The Takini School Board shall have the authority to call a special election for the purpose of filling a vacancy, or, if a school board position becomes vacant within six (6) months of an election of school board members, the candidate with the second highest number of votes in that election may be appointed to the vacant seat by the Chairman of the Tribal Election Board to serve the remainder of the term. If a school board position becomes vacant after six (6) months of an election of school board members, or if the candidate with the second highest number of votes is unavailable, unwilling, or unqualified to fill the vacancy, then the school board shall call a special election to fill the vacancy.

**Section C. Suspension, Discipline and Removal:**

The school board may discipline, suspend, or remove a member by 2/3 vote of the School Board members voting at a regular meeting called for such purpose. Members not voting will not count in the 2/3 requirement. Removal Hearing Procedures will be set forth in the Takini School Policies.

The removal can be for any of the reasons set forth in Article VI, Section C of the Constitution. conduct on the part of a board member.

**CERTIFICATION**

This is to certify that the Constitution and By-Laws of the Takini School Board were reviewed and approved by the Takini School Board held on \_\_\_\_\_, 2024 and the Cheyenne River Sioux Tribe Tribal Council on \_\_\_\_\_, 202\_\_.

# Takini School

## 2024-2025

### SCHOOL BOARD POLICIES & PROCEDURES



Approved by Takini School Board Action February 17, 2024  
CRST TED Committee Approved March 18, 2024



# **SCHOOL VISION, MISSION, PHILOSOPHY & MOTTO**

THE VISION, MISSION, PHILOSOPHY, AND MOTTO OF TAKINI SCHOOL ARE FORMALLY ADOPTED BY THE SCHOOL BOARD. THESE STATEMENTS SERVE AS THE GUIDING PRINCIPLES THROUGH WHICH THE PROGRAMS, SERVICES AND INDIVIDUALS WORKING AT TAKINI SCHOOL ARE ADMINISTERED AND OPERATE.

## **VISION STATEMENT**

“All staff, students, and their families are a spiritual community. Teamwork is the essence of life. The environment is nurturing and safe. We are confident and pursue our dreams.”

## **MISSION STATEMENT**

“To empower all learners for the challenges and changes of the 21st Century both on and off the reservation.”

## **PHILOSOPHY**

**TAKINI SCHOOL** operates in accordance with these beliefs:

1. Partnerships between school and communities strengthen the educational environment;
2. Every learner progresses at his or her own pace;
3. We must assist in the educational process of the whole child;
4. A positive self-image is imperative for learner success;
5. The teaching and modeling of traditional values (respect, generosity, courage, spirituality, compassion, fortitude, and wisdom) will promote cultural awareness in all learners.

## **MOTTO**

“Woonspe Okolakiciye”

(A Learning Place for the Success of All)

TAKINI SCHOOL provides an alcohol and drug-free teaching and learning environment. Cooperation in learning is evident at all levels and includes cooperative learning, team teaching, and the integration of classes and subject areas. Teachers will have high expectations for the success of every student. All staff that serve children are aware of their responsibilities for teaching and are held accountable for results. Students have varied opportunities and options to explore vocational/technical skills and careers. Students display a positive self-image through traditional Lakota behaviors, beliefs, and values.

## **STUDENT OUTCOMES**

**All curricular activities of Takini School will be driven by the students achieving these learning outcomes. Upon graduation from high school, our goal is that all students shall be:**

1. **SELF-DIRECTED LEARNERS** who acknowledge and embrace positive core values; create a vision for themselves and their future; analyze their present situation; generate options; set priorities and goals; assume responsibility; plan strategies; anticipate consequences; monitor and evaluate progress; and revise and/or progress towards their vision.
2. **PERCEPTIVE THINKER AND CREATIVE PROBLEM SOLVERS** who develop and use multiple frames of reference; identify, assess and integrate information and resources; make decisions; solve complex problems; and foster both the intuitive and the logical faculties of the brain.
3. **EFFECTIVE COMMUNICATORS** who express thoughts and needs both verbally and nonverbally; evaluate audience reception; modify expressions of ideas accordingly; read; listen; and process, interpret and convey information.
4. **HEALTHY INDIVIDUALS, COMMUNITY CONTRIBUTORS, AND ENVIRONMENTAL CARETAKERS** who commit to a group; exercise personal responsibility; achieve and sustain wellness; choose attitudes that will raise self-esteem; accept situations they cannot change; courageously change situation(s) they can; resolve conflict in a constructive manner; respect social norms and traditions; maintain personal integrity; use their time, energies and talents to improve the welfare of themselves and others; and seek to improve the quality of life in their communities and our larger global environment.
5. **COOPERATIVE/COLLABORATIVE WORKERS and CREATIVE PRODUCERS** who use effective leadership and group skills; foster, develop and sustain supportive relationships; transcend cultural differences; create intellectual, artistic and practical products; produce high quality work; and use advanced technologies.
6. **CULTURALLY AWARE INDIVIDUALS** who understand and respect the Lakota language and culture; establish individual identities within their culture; realize the diversity of cultures in our world; build relationships with members of other cultures; embrace their cultural identity; acknowledge their link with the past; and model cultural values and lifestyle.

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# **TAKINI SCHOOL POLICIES AND PROCEDURES**

## **SCOPE**

The Takini School Board represents the communities to serve as a governing body of the Grant School Administration regarding the operation of Takini School.

## **DUTIES**

The Takini School Board will act as advisors to the School's Superintendent Chief Administrator in matters relating to the operation and maintenance of the school and serve as representatives for their respective communities.

## **ROLES AND RESPONSIBILITIES**

The Takini School Board will review the Constitution, mission, philosophy, goals, policies and By-Laws yearly at an annual Takini School Board Policy Review meeting and recommend revisions to the CRST Education Committee.

All School Board members will abide by the School Board Code of Ethics approved by the CRST Education Committee.

## **MEETINGS**

There will be twelve (12) monthly regular meetings. Members shall attend all monthly meetings, with one of those meetings deemed an annual meeting. A quorum of three (3) Takini School Board members is required to conduct a business meeting.

Regular meetings will be held on the second (2nd) Monday of the month at an established time at the school unless a holiday; a meeting will be held the day following the established meeting date.

Members will be paid a monthly stipend and mileage established by the school for each meeting attended. If a Takini School Board retreat is held, per diem and lodging will also be paid.

Actions of the Takini School Board may only be enacted by the concurrence of the Chief Administrator in regard to the Constitution, mission, philosophy, goals, outcomes, policies, and By-Laws. The Chief Administrator will advise the Takini School Board of the established school budgets, personnel and other programs pertinent to the operation of the school.

The Takini School Board as the grantee shall approve and sign all business/program documents requiring an official signature.

## **LIMITATIONS ON EXPENDITURES**

Expenditures may not be made for Takini School Board members' stipends or

honorariums associated with participation in training activities. Payments for such activities may, however, come from the school's operational budget, if so designated and approved in the school's operation budget. The maximum amounts of such payments shall be determined in accordance with the laws or regulations of the Tribe and shall be subject to the approval of the Chief Administrator. The School Board budget shall be 1% of the SY Budget.

An accounting of all expenditures of Takini School Board training funds shall be maintained as a supplement to the school's accounting records.

## **TAKINI SCHOOL BOARD POLICIES**

The following policies apply to the Takini School Board.

### **1.01 SCHOOL LEGAL STATUS**

The Organization, composed of members of the Cheyenne River Sioux Tribe who are residents of the areas served by *Takini School*, shall be known hereafter as the Takini School Board. The *Takini School* service areas are as defined and established in the Constitution and Bylaws which supersede and are incorporated into the *Takini School Board Policies & Procedures* Manual (hereinafter "Manual"). In the event that the *Takini School* Service areas are inconsistent with the service areas established by the ordinance of the Cheyenne River Sioux Tribe, the Tribe's ordinance shall supersede these policies and procedures.

### **1.02 TAKINI SCHOOL BOARD LEGAL STATUS**

The *Takini School Board* is a democratically elected group of members of the Cheyenne River Sioux Tribe established by several resolutions of the Cheyenne River Sioux Tribe to provide for direction to the community it serves within the Cheyenne River Indian Reservation, and particularly within the *Takini School* service area. The Takini School Board is a tribally chartered, non-profit entity which provides a variety of educational services primarily to the tribally-enrolled members of the surrounding service area, as established by tribal law. The *Takini School* receives federal government funds under the authority of the Indian Self-Determination and Education Assistance Act, the Tribally Controlled Schools Act of 1988, and other federal statutes. The *Takini School* is not funded by the State of South Dakota. The *Takini School* is a "tribal organization" as that term is defined in 25 U.S.C. § 5304(l). The Takini School complies with the Americans With Disabilities Act.

### **1.03 TAKINI SCHOOL BOARD AUTHORITY**

Takini School Board authorities are listed in the Charter, Constitution and By-Laws and the Manual. The Takini School Board exercises power only when in official session and votes to take action with a majority vote of a quorum of the Takini School Board.

### **1.04 TAKINI SCHOOL BOARD PURPOSES & LIMITATIONS**

The Takini School is a tribally controlled school of the Cheyenne River Sioux Tribe organized and operating pursuant to this Constitution and By-laws adopted by the Cheyenne River Sioux Tribal Council, in accordance with the Cheyenne River Sioux Tribe Education Code, to serve the educational needs of students and the communities located within Districts 1, 2, 3, and 4 of the

Cheyenne River Sioux Tribe. The purpose of the Takini School Board shall be educational and shall be developed through conferences, committees, projects, and school visitations.

This Takini School Board shall be non-commercial, non-sectarian, and non-partisan. No commercial enterprise and no political candidate shall be endorsed by it.

The Takini School Board members, as individuals, shall not seek to direct the administrative activities or to control policies of the school. As members of Takini School Board, they shall carry out such powers as the Takini School Board members have in session, unless such individual member has been delegated by the Takini School Board to act on its behalf. An individual Takini School Board member has legal status only in her/his official capacity as part of *Takini School*.

This Takini School Board and its members may cooperate with other organizations or agencies active in child welfare and citizenship, such as conference groups, coordinating councils or others, provided they make no commitments that bind the Takini School Board or Takini School, without formal action by a quorum of the Takini School Board.

#### **1.05 TAKINI SCHOOL BOARD POWERS & DUTIES**

The Takini School Board of Directors Powers and Duties are established pursuant to the Charter, Constitution, and By-Laws of *Takini School*. The Takini School Board has the following powers:

1. Authority to create an administrative structure for supervision of employees; hire an instructional staff to implement the instructional program; establish a financial system to handle business affairs; develop and manage a facilities/maintenance system; engage in all other applicable and legal activities that enable the Board in creating the best learning situation for its students.
2. The Takini School Board shall serve as a governing school board for the Takini School. All programs and proposals relating to curriculum, instructional services, personnel, food services, fiscal and budgetary matters, transportation, janitorial and routine maintenance and pupil personnel service of the Takini School shall be submitted to the said Takini School Board for its consideration and approval. The Takini School Board shall have the authority to make a final decision on all such matters, unless delegated to administrators by the Cheyenne River Education Committee.
3. The duty to act consistent with tribal laws including the CRST Education Code.
4. The power to act formally without a meeting if all School Board Members have consented to the action which will be taken. The action shall be ratified and made a part of the minutes in the next Regular Board Meeting.



5. The authority to set a regular monthly Board Meeting and call a special meeting if necessary.
6. The responsibility to notify the Tribal Secretary if a School Board position is vacated prior to the expiration of a Board Member's term.
7. The power to remove officers for cause.
8. The authority to designate and appoint Committees and to appoint a Committee Chairperson.
9. The power to pass a resolution establishing a fixed stipend and expenses for School Board members for attendance at regular or special meetings and training, provided that such amounts do not exceed the limits on School Board meetings and expenditures set forth in the Cheyenne River Sioux Tribe Education Code.
10. The authority to hire and discharge personnel of the Takini School in accordance with Takini School prescribed policies and procedures.
11. The duty to consider programs and problems of significance to the students it serves.
12. The duty to plan such activities for the Takini School that are required in order that the school may carry out its mission.
13. The authority to work with parental advisory groups.
14. The authority to establish any other organization such as PTA, provided that they are legally organized under tribal law and not in conflict with the Constitution, By-laws, or policies. Such organization shall function in conjunction with the Takini School Board and administration in an advisory capacity only.
15. The authority to recommend to the Cheyenne River Education Committee, pursuant to the CRST Tribal Education Code, Ordinance No. 82, as may be amended from time to time, for subsequent approval by the Cheyenne River Sioux Tribal Council, such resolutions, ordinances, or council actions as may be required to implement the intent of these policies.
16. The authority to accept funds appropriated or granted to Takini School for the purpose of fulfilling the Takini School's purposes and duties.
17. The authority to enter into contracts.

18. The authority to issue checks, drafts, or orders for the payment of money, notes or other indebtedness issued in the name of the school. The Board shall designate not less than three (3) Board members, which shall include the Board Chairperson and Vice-Chairperson, to sign checks for the Takini School at all times by resolution or motion.
19. The authority to deposit funds received.
20. The authority to accept gifts.
21. The duty to keep correct and complete financial books and records and conduct an annual audit.

#### **1.06 NUMBER AND TERM OF MEMBERS**

There will be five (5) members on the school board, pursuant to CRST Education Code, Ordinance No. 82, Section 302, as may be amended from time to time. Pursuant to Section 305, the term of office of a school board member shall be four (4) years. For the initial election, lots shall be drawn for three (3) two-year terms for five-member boards. Thereafter, at all succeeding elections, the vacant positions shall be filled for a term of four (4) years.

#### **1.07 TAKINI SCHOOL BOARD CANDIDATE AND MEMBER QUALIFICATIONS**

Takini School Board qualifications are as follows in pursuance of CRST Tribal Education Code, Ordinance No. 82, as may be amended from time to . APPENDIX B:

1. Any person elected as a school board member shall be an enrolled member of the Cheyenne River Sioux Tribe, and shall be twenty-one (21) years of age or over at the time of his/her election.
2. No employee of the school shall be elected as a school board member. No employee of the Cheyenne River Sioux Tribe shall be elected as a school board member if that employee's job duties give them access to the school finances and/or allows them to influence outcomes for that school or educational program.
3. No person convicted of a major crime, as described in federal statutes, shall be elected as a school board member.
4. No person removed from office as a school board member under Section 306 (b) and (c) of [the Education Code] shall be elected as a school board member.
5. The Tribal Election Board shall be the sole judge of the qualifications for school board.
6. All school board members shall be elected from their respective school service area and shall be a resident of the school service area from which they are elected.
7. School board members do not need to have a child currently attending the school.
8. The elected local school board members for the Takini School shall be elected from Districts 1, 2, 3, or 4..
9. School board members may not serve on more than one school board.
10. More than one member of the same immediate family, meaning spouses or siblings or parents and children, may not serve on the same school board.

Takini School Board candidates and Takini School Board members shall be subject to an alcohol and drug test, at the candidate's expense, which shall be negative prior to being certified as a Takini School Board candidate. Convicted felons, except for those who have been pardoned by the appropriate jurisdictional authority or have had their cases reversed by an appellate court, shall not be certified as candidates and may not be seated as Takini School Board members. Takini School Board candidates shall have fully reimbursed the *Takini School* for any money, travel, rent, or any other debts owed to *Takini School* prior to being certified as candidates. Individuals who owe such debts or reimbursements to *Takini School* may not be certified or seated as Takini School Board members.

Takini School Board candidate eligibility is determined only by the current Manual and CRST Tribal Education Code, Ordinance No. 82, as may be amended from time to time, and all background checks including Tribal, state, and federal, alcohol and drug testing, and other candidate requirements shall be administered by the current Takini School Board. Candidates shall be responsible for any costs associated with tests or background checks.

### **1.08 METHOD OF ELECTION**

Takini School Board elections are as follows in pursuance of CRST Tribal Education Code, Ordinance No. 82, and Ordinance No. 14, Elections, as may be amended from time to time:

1. A candidate for election to a school board shall submit a signed application for office to the Secretary of the Cheyenne River Sioux Tribal Council.
2. Elections shall be conducted by the Cheyenne River Sioux Tribe according to CRST Ordinance No. 14, Elections, as amended.
3. The Tribal Election Board shall certify the candidates for election to school boards. The candidates elected to school boards shall be certified by the Tribal Election Board no later than five (5) working days after the election. The Chairman of the Tribal Election Board shall notify the Education Agency and the successful candidate in writing of the candidate's election to the school board. The newly elected school board member shall meet with the Education Agency Director and sign a Letter of Agreement. The Letter of Agreement shall describe the school board member's duties and responsibilities, including applicable ethical standards and rules regarding conflicts of interest. The school board member's tenure shall begin upon execution of the Letter of Agreement. If the Letter of Agreement is not signed within thirty (30) days after the election, the seat shall be considered vacant. Regular school board elections shall be scheduled to coincide with Tribal elections.
4. The Takini School Board shall have the authority to call a special election for the purpose of filling a vacancy, or, if a school board position becomes vacant within six (6) months of an election of school board members, the candidate with the second highest number of votes in that election may be appointed to the vacant seat by the Chairman of the Tribal Election Board to serve the remainder of the term. If a school board position becomes vacant after six (6) months of an election of school board members, or if the candidate with the second highest number of votes is unavailable, unwilling, or unqualified to fill the vacancy, then the school board shall call a special election to fill the vacancy.

Newly-elected Takini School Board members shall be seated at the next regular Takini School Board meeting following the general election. Outgoing Takini School Board members are

urged to attend the first Takini School Board meeting in an advisory capacity to share information with new Takini School Board members.

### **1.09 MEMBER UNEXPIRED TERM FULFILLMENT**

Any vacancies occurring in the membership of the Takini School Board shall be filled pursuant to this Manual.

A vacancy on the Takini School Board may be deemed to have occurred when a member:

1. Dies,
2. Resigns,
3. Ceases to physically reside within the community which the Takini School Board member is representing,
4. Has a mental illness rendering her/him unfit for membership, as determined by a qualified mental health professional,
5. Fails to discharge the duties of her/his office,
6. Fails to qualify as provided by federal or tribal law,
7. Is convicted of a felony, any offense involving moral turpitude, or any offense which renders the Takini School Board member ineligible under the *Takini School's* election policies and procedures in this Manual,
8. Fails to attend three (3) consecutive regular Takini School Board meetings without being excused,
9. Accepts any position of employment within the school system,
10. Attends a Takini School Board meeting under the influence of alcohol, illegal drug(s), or inhalant(s),
11. Substantially violates any provision of Takini School Board Code of Ethics, or
12. Violates any Tribal Ordinances pertaining to Takini School Board members, including CRST Tribal Education Code, Ordinance No. 82, as may be amended from time to time.

Local school boards shall have the authority to call a special election for the purpose of filling a vacancy, or, if a school board position becomes vacant within six (6) months of an election of school board members, the candidate with the second highest number of votes in that election may be appointed to the vacant seat by the Chairman of the Tribal Election Board to serve the remainder of the term. If a school board position becomes vacant after six (6) months of an election of school board members, or if the candidate with the second highest number of votes is unavailable, unwilling, or unqualified to fill the vacancy, then the school board shall call a special election to fill the vacancy.

### **1.10 MEMBER RESIGNATION, DISCIPLINE, SUSPENSION, AND REMOVAL**

Members may resign at any time in writing. A retiring member shall furnish the new member replacing her/him with her/his accumulated materials.

Official materials given to a Takini School Board member remain the property of the Takini School Board and shall be returned when a member leaves the Takini School Board.

A Takini School Board member may be disciplined, suspended, or removed by the Takini School Board, upon receipt of a written complaint setting forth one or more of the grounds for removal,

discipline or suspension, or upon motion at a School Board meeting with a written complaint by a member of the Takini School Board. A written complaint shall only address one School Board member and shall disclose the complainant's name. The Takini School Board (excluding the accused School Board member) shall make an initial determination as to the merit of the complaint. If the School Board determines the complaint presents an allegation that would be grounds for discipline, removal, or suspension, then the School Board will schedule a discipline, suspension, or removal hearing and issue written notice to the School Board member of the date time and place of Hearing. No member may be disciplined, suspended, or removed unless he/she is first given notice of the grounds and a meaningful opportunity to be heard. Complaints shall be delivered to the Chief Administrator, who shall then deliver the complaint to the Takini School Board. The grounds for such discipline include, but are not limited to, the following:

1. Conviction of a Takini School Board member for any drug or alcohol related incident on or off the Cheyenne River Indian Reservation. In the event that a Takini School Board member is convicted for any drug or alcohol related incident on or off the Cheyenne River Indian Reservation, then the Takini School Board member shall be immediately removed from the Takini School Board by a majority vote of the remaining Takini School Board members at the next regular or special Takini School Board meeting after a judgment of conviction has been entered by a Court of competent jurisdiction. Further, any Takini School Board member convicted of a misdemeanor drug or alcohol offense shall not seek election to the Takini School Board for a period of five (5) years from the date of the guilty verdict.
2. Any reason as stated in the Vacancy section of this Manual.
3. Failure to follow Takini School Board financial or travel and expenses policies.
4. Felony convictions or misdemeanor convictions involving crimes of theft, embezzlement, conversion, or misuse of tribal or school funds, or crimes against children.

#### 1.10.01: Hearing Procedure.

1. In the event of a duly-filed complaint or upon a duly-made motion with a written complaint by a Takini School Board member, an accused Takini School Board member shall be notified within five (5) school days of the date of such complaint or motion and School Board acceptance of the complaint. Notice shall include all known factual bases for the complaint or motion.
2. The School Board member will be provided with all facts, documents and evidence available to the Takini School Board.
3. The School Board member will be given a meaningful opportunity to be heard by the Takini School Board at the next regular or specially-called Takini School Board meeting.
4. Both the complainant and the accused Takini School Board member may present witnesses and evidence, and may cross-examine any witnesses against him/her.
5. The accused Takini School Board member is entitled to be represented by an attorney or personal representative.
6. The complaining party or member of the Takini School Board has the burden of the evidence and must prove, by clear and convincing evidence, that the accused Takini School Board member has violated a policy of the *Takini School*, or committed some other act which requires removal, suspension or discipline under the Takini School Constitution, By-laws, or Takini School Policies.
7. Since Takini School Board members are elected by members of the community, they

must be removed or disciplined by 2/3 vote of the Takini School Board at a duly called meeting with a quorum present.

8. The accused School Board member shall not be present during the School Board deliberations on the complaint, and the School Board may vote on the issue in Executive Session.
9. The Takini School Board may announce its decision at the end of such hearing, or may choose to issue its decision in writing, which is to be deposited in the mail no later than three (3) school days after the Takini School Board hearing/meeting.
10. The decision of the Takini School Board is a final decision of the *Takini School*.
11. The complainant and accused School Board member may request voluntary resolution and settlement of the dispute, which shall be approved by a majority of a quorum of the remaining School Board members. The School Board shall establish a timeline for such voluntary resolution, and if such request is unsuccessful, complete the proceedings as provided in this Policy.
12. If the decision of the Takini School Board is for removal of the Takini School Board member, vacancies shall be filled in the usual manner as prescribed in the Manual.

### **1.11 SCHOOL GOALS**

1. To promote the welfare of the children in the home, school, and community.
2. To raise the standards of education for *Takini School* attendance area.
3. To bring parents and the school into a closer relationship.
4. To develop programs to benefit the people of the community.
5. To ensure that the community is informed of major education issues.
6. To develop united efforts between educators and the community that will secure the highest advantages in education for every child.
7. To maintain an atmosphere and curriculum in the school that will instill knowledge and pride in the Lakota culture.
8. To carry out the goals expressed in the *Takini School* Constitution and By-laws.

### **1.12 OFFICERS**

The following Officers shall be elected at the Takini School Board Annual Retreat following every election of new Takini School Board members:

1. Chairperson
2. Vice-Chairperson

### **1.13 OFFICERS – METHOD OF ELECTION**

Once elected, the new Chairperson shall immediately assume the position of Chairperson and shall preside over the election of the Vice-Chairperson and any remaining business. Officers previously elected shall serve until the new officers are elected.

### **1.14 DUTIES OF CHAIRPERSON**

The Chairperson shall preside at all meetings, make reports, and perform all other duties required by law.

In addition, the Chairperson as presiding officer shall:

1. Call the meeting to order at the appointed time,
2. Conduct business to come before the Takini School Board in its proper order,

3. Assign the floor to members who wish to speak and protect the speaker from any interference,
4. Explain the effect of a motion if not clear,
5. Restrict discussion to the question before the Takini School Board,
6. Sign all acts or orders necessary to carry out the will of the Takini School Board,
7. Put motions to a vote, state definitely and clearly the vote and the result thereof,
8. Appoint committees as the Takini School Board finds necessary,
9. Be spokesperson for the Takini School Board at all times except when this responsibility is delegated to others,
10. Participate as a regular voting member of the Takini School Board.

### **1.15 DUTIES OF VICE-CHAIRPERSON**

The Vice-Chairperson shall assist the Chairperson—and shall perform the duties of the Chairperson in her/his absence, shall preside over official meetings, shall ensure that an accurate record of all meetings of the Takini School Board are kept, and shall perform other duties as designated.

### **1.16 DUTIES OF PERSONNEL CLERK**

Personnel Clerk provides members with packets of the minutes of previous meetings, supervisor reports at least five (5) workdays in advance of the regular meeting.

Minutes shall be kept in a secure file at the *Takini School* Administrative Conference room.

### **1.17 SCHOOL MEMBERS**

Individual Takini School Board members shall not have independent authority to speak for the Takini School Board and shall make no out-of-meeting commitments or conduct Takini School Board business unless directed to do so by the Takini School Board.

The Takini School Board is not bound in any way by any statement or action made by an individual Takini School Board member or employee, except when such statement or action is pursuant to specific Takini School Board instructions.

### **1.18 NEW MEMBER ORIENTATION**

Orientation of a new Takini School Board member should be accomplished as soon as possible after their election/appointment. Each Takini School Board member shall be provided with a copy of the Policies and Procedures Manual, the budget compilation, and the last annual grant report of the School and other documents the current Takini School Board deems necessary.

Following the election, a training session for the newly elected Takini School Board member will take place no later than ninety (90) days after the swearing in of the new Takini School Board member.

Training sessions for the entire Takini School Board shall be held at such times as deemed appropriate by the Takini School Board. However, the Takini School Board shall be required to have at least one training session annually.

Takini School Board members shall complete all training required by federal law, including but not limited to that required by the Bureau of Indian Education (“BIE”) and the Every Student Succeeds Act. 25 C.F.R. § 39.603.

### **1.19 MEMBER DEVELOPMENT OPPORTUNITY**

Takini School Board members are encouraged to participate in meetings, conferences, and workshops of state and national education associations and to take part in other activities which will help them become better informed and able to perform their duties. Participants shall share the information, recommendations, and materials acquired with the Takini School Board and appropriate staff, in a written or oral report.

Funds for participation at such meetings and activities will be budgeted for annually. When funds are limited, the Takini School Board shall designate which members may attend such meetings or activities.

Allowable expenditures in the use of federal funds designated for training Takini School Board members are:

1. Contracting with individuals and organizations for training services;
2. Membership fees in School Board associations and purchase of their materials and publications;
3. Takini School Board members reimbursed for subsistence and travel expenses incurred while participating in training activities;
4. Cooperative contracts with other School Boards for joint training or technical assistance activities.

Federal funds shall not be used for lobbying efforts.

### **1.20 BONDED MEMBERS**

All Takini School Board members signing checks shall be bonded or insured and included under the school’s blanket bond or insurance which shall provide coverage against all errors, omissions, intentional, and negative acts of the Takini School Board members in the execution of their financial and fiduciary duties.

### **1.21 COMPENSATION AND EXPENSES**

Reimbursement to Takini School Board members for official travel shall follow travel expense procedures established within the Manual.

The Takini School Board shall annually establish rates for attendance at all meetings and officially sanctioned conferences, workshops, and work sessions. Takini School Board members shall receive two hundred dollars (\$200) for each Takini School Board meeting and personnel hearing. For all officially sanctioned conferences, workshops, and work sessions, and Appeal Committee hearings and meetings attended, the Takini School Board shall be compensated at the rate of two hundred dollars (\$200) per day, plus expenses. Partial days shall be pro-rated accordingly.



In the event a Takini School Board member owes outstanding travel or other reimbursement to the School, that Takini School Board member's stipends shall be withheld and applied to the Takini School Board member's outstanding debt until paid in full. *See also* Fiscal Management Policies.

## **1.22 COMMITTEES**

The Takini School Board may appoint standing committees composed of at least one Takini School Board member, community members, and *Takini School* staff and students as deemed appropriate. Standing committees shall be composed of Takini School Board members and appropriate *Takini School* staff, faculty, and students. Standing committees shall not conduct official business, but report to and recommend action to the Takini School.

The Takini School Board may also appoint temporary committees, which shall report to it in a manner and at a time prescribed, with such committees to be dissolved by a majority vote of the Takini School Board.

Only the Takini School Board has authority to dissolve committees it establishes and may set compensation for committee members.

The committees established are limited only by the requirements of the Charter, Constitution, and By-laws of *Takini School*.

## **1.23 SCHOOL ATTORNEY**

The Takini School Board shall retain an attorney for legal counsel who shall represent the Takini School Board and any designee of the Takini School Board including other administrative officials. The attorney will be required to attend such meetings where her/his services are needed.

Attorney's services are also available to the Chief Administrator, Principal, Business Manager, and to other personnel which the Takini School Board deems appropriate, by permission of the Takini School Board. This permission may be revoked by the Takini School Board at any time, in the event of a conflict of interest.

## **1.24 CONSULTANTS**

All consultant contracts over five thousand dollars (\$5,000) must have prior Takini School Board approval before the delivery of any services at the school. Any such consultant services not approved in advance will result in non-payment to the consultant. However, the Takini School Board may, at its discretion, approve consultant contracts retroactively where the Chief Administrator ONLY has had to act without advance Takini School Board approval.

Consultants approved by the Takini School Board shall be paid as soon as the task is completed and the paperwork is submitted according to the consultant contract agreement. Consultants exercise no authority over the work of employees.

*Takini School* employees may not act as paid consultants to any school programs during their regular working hours, but may perform extra-duty consultant contracts, subject to verification that such work was not performed during regular working hours.

All consultants who are in contact with *Takini School* students are subject to requirements for background checks, as are regular employees of *Takini School*. The Takini School Board distinguishes between consultants and contract-for-service procurements. A contract-for-service is a written agreement to provide services for a specified term.

### **1.25 AWARDS, RECOGNITIONS, CERTIFICATES**

The Takini School Board shall recognize outstanding achievement and service to the educational community with award of certificates of appreciation to Takini School Board members, staff, students, and community members.

### **1.26 REGULAR MEETING**

Regular meetings of the Takini School Board shall be held the second Monday of every month at 6:30 p.m. or at another convenient time set by the Takini School Board as soon as possible thereafter.

Budget meetings of the Takini School Board shall be held at regular Takini School Board meetings, or at another convenient time set by the Takini School Board as soon as possible thereafter.

The Chief Administrator or Business Manager shall attend all meetings of the Takini School Board, including the budget meeting. Supervisors shall attend Takini School Board meetings at the request of the Chief Administrator or the Takini School Board Chairperson.

### **1.27 SPECIAL MEETINGS**

Special meetings may be called whenever deemed necessary by the Chairperson, or in the absence of the Chairperson, who shall first be out-of-state for longer than one (1) day before being declared absent, then the Vice-Chairperson. In accordance with Sections 309 and 310 of the CRST Education Code, Ordinance No. 82, school board members shall attend any special meetings in excess of the four (4) special meetings included in the budget for school board expenses at their own expense, unless payment is approved by the Education Agency and Education Committee. Community members must be given at least twenty-four (24) hours notice of special meetings, including, in writing, the purpose of the meeting.

### **1.28 RECESSED MEETING**

The Takini School Board may, by a majority vote, recess an official meeting or personnel hearing until a later time, and continue the recessed meeting or personnel hearing at the point where the previous meeting or personnel hearing adjourned. Public notice shall be given of the time and place for a reconvened meeting, but not for a personnel hearing.

### **1.29 PUBLIC HEARING**

The Chairperson, or another member approved by the Takini School Board, shall preside at public hearings required by law and shall inform the public at the beginning of the hearing about the procedures that will be followed regarding questions, remarks, rebuttals, time limitations, and other rules.

To remark, citizens must be recognized by the Chairperson, and all remarks must be addressed to the chair and be germane to the topic. The Chairperson will recognize persons who have not commented previously before recognizing persons who wish to remark a second time.

An audio recording and minutes shall be kept of all public hearings.

### **1.30 WORK SESSIONS**

The Chief Administrator may conduct informal work sessions with Takini School Board members that may be open to the public to discuss issues and to keep them better informed about the progress and needs of the school.

Rates for work sessions shall be established by the Takini School Board annually. No official Takini School Board action shall be taken during such work sessions.

### **1.31 MEETING NOTIFICATION**

Notice to the public shall be given of the date, time, and place of all Takini School Board meetings, including special Takini School Board meetings, by posting in open public locations at least twenty-four (24) hours in advance. For special meetings, the written notice must include the purpose of the meeting. Notice to Takini School Board members shall be made in advance of meetings, in writing or verbally.

### **1.32 MEETING PREPARATION**

The Chief Administrator or her/his designee shall provide the members with information to assist them in reaching sound and objective decisions consistent with established goals prior to any Takini School Board action. Takini School Board members are expected to study the information and contact the Chief Administrator to request any additional information necessary to assist them in their decision-making responsibilities.

### **1.33 MEETING AGENDA**

The Takini School Board shall follow the order of business on the printed agenda or the notice of special meetings, unless altered by consent of the Takini School Board members present at the beginning of the meeting.

The Takini School Board, with assistance from the Chief Administrator, will be responsible for putting the agenda together with input from the administration and staff. The typical agenda for a Regular Takini School Board Meeting will include Invocation, Roll Call, Community Comment, Approval of Agenda, Approval of Previous Minutes, Reports (Chief Administrator, Business Manager, etc.), Old Business, and New Business.

At the start of the Takini School Board meeting, the Takini School may amend the agenda by a majority vote. Community members may petition the Takini School Board to add an item to the agenda at any time prior to a Takini School Board meeting. The Chief Administrator shall forward requests for items to be placed on the Takini School Board agenda in a timely fashion. Staff members may request of Takini School Board members that educational matters, other than personnel grievances or personnel matters, be placed on the agenda. Such requests may be made through administration or through a Takini School Board member.

#### **1.34 DISTRIBUTION OF MEETING MATERIALS**

The Chief Administrator is responsible for preparing and disseminating an agenda and reporting to all Takini School Board members at the regular meeting on a monthly basis. The report may include supervisor monthly reports, minutes of previous meetings that require Takini School Board approval, and any other information that will need advance study.

Publicly available Takini School Board meeting materials may be picked up from the Chief Administrator's Office prior to a Takini School Board meeting.

#### **1.35 RULES OF ORDER**

Robert's Rules of Order shall govern the Takini School Board, except where such rules are in conflict with the Constitution and By-laws and the policies and procedures of *Takini School*. See Henry M. Robert III et al., *Robert's Rules of Order Newly Revised in Brief* (3rd ed. 2020); Henry M. Robert III et al., *Robert's Rules of Order Newly Revised* (12th ed. 2020). The Takini School Board's attorney shall decide when such rules are in conflict with the above-mentioned authorities, or, in the absence of the attorney, the Chairperson shall decide.

#### **1.36 QUORUM**

Three (3) voting members of the Takini School Board shall be present at official meetings to constitute a quorum to transact business. Once an initial quorum is established, in the event of an emergency or sudden illness of a board member, the board may continue the meeting as if there is still a quorum.

#### **1.37 AMENDMENTS TO THE CONSTITUTION**

The Constitution and By-Laws may be amended by a majority vote (2/3) of the full Takini School Board at a regular meeting. Amendments to this policies and procedure manual require an affirmative vote by a majority of a quorum of the Takini School Board.

#### **1.38 VOTING METHOD AT MEETINGS**

Voting at all meetings of the Takini School Board shall be by show of hands unless otherwise established by a majority vote of the Takini School Board members present and the results shall be duly recorded in the minutes.

#### **1.39 MINUTES OF MEETINGS**

The Takini School Board shall appoint a recording secretary, or an administrator it designates, to keep the minutes of all official Takini School Board meetings. Minutes of Takini School Board meetings are a written record of the proceedings, must be approved by a majority vote of the

Takini School Board, must be signed by the Takini School Board Chairperson, and may be published. The recording secretary's name shall be noted on each set of finally approved minutes. Minutes of Takini School Board meetings are not an official record of the meeting until approved.

Minutes of Committee meetings must be submitted to the Takini School Board for their approval.

An official record of the minutes shall be kept on file in the Chief Administrator's Office and is open to public inspection during the working day. The Takini School Board may also post the minutes in other public places.

An additional copy of all approved minutes shall be forwarded to the school attorney for storage and safekeeping.

#### **1.40 PUBLIC PARTICIPATION AT MEETINGS**

The Takini School Board encourages advice or input from the community it serves. In order to affect this, the Takini School Board may schedule a period of time prior to the start of each regular Takini School Board meeting for brief comments and questions from the public. This period shall be conducted as follows:

- a. Members of the public wishing to make formal presentations before the Takini School Board shall make arrangements in advance in writing to the Chief Administrator or designated administrator or Takini School Board Chairperson to be scheduled on the agenda. *See Appendix A—Community Comment Request.*
- b. Comments or questions at a regular meeting may relate to any topic concerning the Takini School Board except for personnel matters and student discipline and grievances which must follow Takini School Policies. Comments or questions at special meetings must be related to the approved agenda items.
- c. Speakers may offer criticism of school operations and programs, but no personal complaints against school personnel will be allowed. Personnel matters shall not be discussed in public sessions by speakers because the Takini School Board cannot discuss or respond to personnel matters in public.
- d. People who speak are urged to limit their remarks to a maximum of three minutes but shall not have a right to speak for longer than five (5) minutes, and groups are urged to designate a spokesperson. The Board Chairperson may limit remarks if needed for effective meeting management.
- e. The Takini School Board Chairperson shall call on all speakers who shall properly identify themselves, maintain order, and adhere to the time limits set and the item(s) on the agenda.
- f. Questions shall be answered immediately by the Chairperson or referred to staff members present for a reply. Those questions which require further examination shall be referred to the Chief Administrator for consideration and a later response.

The Takini School Board Chairperson or Vice-Chairperson may require any person who is disruptive to leave the meeting.

#### **1.41 MEETING NEWS COVERAGE**

A copy of the agenda will be sent in advance of all official Takini School Board meetings to members of the news media who request it. Representatives of the news media who are unable to attend a Takini School Board meeting may be provided with approved minutes upon their written request to the Chief Administrator.

Individual Takini School Board members shall refer requests from news media representatives for information about Takini School Board meetings to the Takini School Board Chairperson.

#### **1.42 EXECUTIVE SESSION**

All meetings of the Takini School Board shall commence as a public meeting. Regular business of the school shall not be acted upon in executive session. The Takini School Board may enter into executive session upon the approval of a Motion to Declare an Executive Session for the following purposes as specified by law:

- a. To address confidential matters;
- b. To address matters concerning personnel but not limited to personnel appointment, discipline, or termination;
- c. To discuss acquisition of real property or litigation brought by or against the school;
- b. To consider information regarding the appointment of or disciplinary action or removal of a Board Member;
- c. To conduct a hearing on a a student disciplinary action or to discuss a matter involving a student;
- d. To protect attorney/client privilege recognized by Tribal or Federal law(s);
- e. To take any other action where Tribal or Federal law requires a closed session;
- f. To protect the privacy of students or employees.

Violation of the confidentiality of executive session by a Board Member or employee may be grounds for discipline, suspension or termination/removal.

#### **1.43 POLICY DEVELOPMENT**

The Takini School Board is the policy making body for the school and shall exercise leadership in the operation of the school through the development and adoption of written policies. Changes in the needs, conditions, purposes, and objectives of the school will require revisions, deletions and additions to Takini School Board policies.

Proposal(s) for new policy or change(s) to existing policy may be initiated in writing to the Chief Administrator, or Takini School Board Chairperson by any resident of the school service area. The proposals shall be considered by the Takini School Board prior to the revision of any related policies.

#### **1.44 POLICY DRAFT WRITER**

The Chief Administrator or school attorney shall be responsible for drafting policy recommendations into acceptable written form for further deliberation or action by the Takini School Board.

#### **1.45 POLICY DRAFTING**

The policies of the Takini School Board shall be in compliance with tribal and federal laws, rules and regulations. The Chief Administrator shall seek the counsel of the school attorney for an opinion on all proposed policy revisions.

#### **1.46 POLICY ADOPTION**

Final policy-making authority shall be exercised by the Takini School Board through utilization of the following procedures:

- a. A policy may be modified or amended by a majority vote of a quorum of the Takini School Board at any regular meeting.
- b. A new policy introduced may be adopted by the Takini School Board following a 30-day review period. The text of the new policy shall be posted for public review and comment at the next regular scheduled Takini School Board meeting.
- c. The recommendations of the Chief Administrator and viewpoints of persons or groups affected by the policy shall be considered by the Takini School.
- d. The Takini School Board, may, for a period of ninety (90) days, temporarily approve a policy to meet emergency conditions. Regular policy making procedures shall be followed before the temporary policy may become permanent. A temporary policy shall be in effect no longer than ninety (90) days.

#### **1.47 POLICY DISSEMINATION**

The Chief Administrator shall develop and maintain a plan for preserving and making accessible to the public the policies adopted by the Takini School Board; the rules and regulations needed to put them into effect.

The Chief Administrator shall provide access to an updated Policy Manual for members of the Takini School Board and all employees of the school.

The Takini School Board Policy Manual is a matter of public record and shall be open for public inspection at the School's front office during the working day and may also be posted at the District Office.

#### **1.48 POLICY REVIEW**

*Takini School* policies shall be reviewed annually at a working session of the Takini School Board and appropriate administrative staff. The Takini School Board shall consider the success of existing policies in achieving the educational and student developmental goals of *Takini School* and shall revise the policies to conform to these goals. Working sessions will be advertised to the community and held in January through February so the Takini School Board can meet to review and revise the Policy Manual by May of each year. The Takini School Board shall annually, before the start of each school year (July 1) ratify the complete Policies and Procedures Manual, with all modifications, deletions, and amendments contained therein.

#### **1.49 REVIEW OF ADMINISTRATIVE DIRECTIVES**

The Takini School Board may review directives issued by the administration and veto such rules at its discretion, if the Takini School Board concludes it is in conflict with Takini School Board policy.

#### **1.50 ADMINISTRATION IN POLICY ABSENCE**

The Takini School Board intends that written policies serve as mandatory guidelines for the discretionary action of those in authority and as a source of information and guidance for persons who are interested in or affected by the policy.

The Chief Administrator has the authority to act in the event the policies and procedures or the Takini School Board has provided no guidance for required administrative action. Such decisions shall be subject to Takini School Board review at the next regular Takini School Board meeting. The Chief Administrator shall promptly inform the Takini School Board of such action and of the need for policy guidance.

#### **1.51 SCHOOL RECORD**

Personnel Clerk of the Takini School Board is the legal custodian of all official records of the Takini School Board. S/he shall also be responsible for the safekeeping of all official papers and other documents which belong to the Takini School Board or that pertain to its business. The Personnel Clerk shall designate the location of all official records, so long as they are maintained on *Takini School* property. The recording secretary may retain physical custody of such records at the direction of the Chairperson.

The official minutes of the Takini School Board, the written policies and financial records shall be open for inspection in the Chief Administrator's Office by any citizen desiring to examine them during regular working hours. The Chief Administrator may be designated as the physical custodian of the official records of the Takini School Board.

Confidential files pertaining to individual students or staff will not be released for inspection by any unauthorized persons. The Takini School Board attorney shall be provided with and shall retain copies of all such records.

#### **1.52 MEMBERSHIP IN SCHOOL ASSOCIATIONS**

The Takini School Board shall participate as a group and on an individual basis as fully as possible in educational associations and may join any organization by resolution. The dues for such membership shall be paid out of administrative cost funds and may not violate federal law or any agreements between the School and the United States government.

#### **1.53 CONFLICT OF INTEREST**

When a person applying for employment is a member of the immediate family of a Takini School Board or Committee member which by rule or practice regularly nominates, recommends or screens candidates, that relative shall be disqualified from participation in any selection



procedure or subsequent personnel action. The requirements of this section shall include service contracts.

Further, any Takini School Board member so related shall abstain from Takini School Board action involving a member of that Takini School Board member's immediate family. If less than a quorum is remaining, due to such Takini School Board member conflicts of interest, the remainder of the Takini School Board may make the selection anyway, even if it does not represent a quorum.

"Immediate family member" is defined in the Cheyenne River Sioux Tribe's nepotism/personnel policies. Immediate family member means first-degree relatives, including father, mother, son, daughter, sister, brother, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister, grandfather, or grandmother.

#### **1.54 INVESTMENTS**

The Takini School Board on behalf of *Takini School* is prohibited from authorizing the School to engage in Bingo or gambling activities as a form of investment. The Takini School Board is also prohibited from using federal funds to engage in these types of activities or any other investments prohibited by federal law.

Any interest or investment income that accrues on funds received pursuant to 25 U.S.C. § 2507(a) after the funds are paid to the School, but before the School has expended the funds, is the property of the School and shall not be taken into account when determining whether future assistance will be provided to the School as a "tribal organization." 25 U.S.C. § 2506(b)(1).

Funds received pursuant to 25 U.S.C. § 2507(a) may only be invested in obligations of the United States or obligations or securities that are guaranteed or insured by the United States. 25 U.S.C. § 2506(b)(2)(A). Funds received pursuant to 25 U.S.C. § 2507(a) may only be deposited into accounts that are insured by an agency or instrumentality of the United States. 25 U.S.C. § 2506(b)(2)(B).

#### **1.55 LOANING OF FEDERAL FUNDS**

The Takini School Board is prohibited from loaning any federal funds received by the School to employees, consultants, Takini School Board members, other individuals, or unrestricted programs.

#### **1.56 PLANNING AND OVERSIGHT**

It shall be the responsibility of the Takini School Board to assure that *Takini School* has an annual plan that emphasizes student achievement. Whether the Plan is called a Support and Improvement Plan under the Every Student Succeeds Act, or a Strategic Plan or Education Plan, the Takini School Board is responsible for the development, financing, implementation, and monitoring of the Plan.

#### **1.57 PLAN OVERSIGHT**

The Takini School Board shall make a calendar of reporting on the Plan that includes, at a

minimum, a verbal update at each Regular Meeting and a written report no later than one month after the end of each school term.

#### **1.58 ANNUAL RETREAT**

The Takini School Board shall hold an Annual Retreat with representatives of key stakeholder groups to review progress on the Plan and to set timelines and develop objectives for the coming year based on achievement data, accomplishments of the previous year, and input from stakeholder groups through surveys and other methods. Takini School Board Election of officers will be held during the Annual Takini School Board Retreat.

#### **1.59 ANNUAL REPORT TO THE COMMUNITY**

The Takini School Board is responsible for assuring that an Annual Report to the district service areas is developed and disseminated. The Report shall contain at least the OIEP Report Card and other data that shows student academic progress, as well as an update on progress made during the year toward the goals and objectives of the Plan.

#### **1.60 SCHOOL ACCREDITATION**

The Takini School Board shall pursue and maintain accreditation. If the Cheyenne River Sioux Tribe develops an accreditation process, the Takini School Board shall pursue and maintain that accreditation, after input from the staff, students, and parents and pending Takini School Board approval.

**Appendix A: Community Comment Request**

**COMMUNITY COMMENT REQUEST**

Dear Community Member:

The School Board allows limited public participation at its Board meetings for community comment, subject to the Takini School Policies & Procedures. The Policies & Procedures do not allow you to make personal comments against school personnel or to discuss confidential student matters in any public session, only to offer criticism of school operations and programs, or bring up other matters of concern. You also cannot talk about Takini School students by name or discuss matters of a confidential nature, either about personnel matters or student matters.

You will not be allowed to speak unless you have made arrangements in advance of the Board meeting to the Chief Administrator to be scheduled on the agenda, or if it is regarding students or personnel, in executive session. This form is to allow you to be placed on the agenda during community concerns. Please fill this out and sign it and return it to the Chief Administrator before the School Board meeting begins, in order to allow the Chief Administrator to review the nature of your comments and to determine whether to be allowed to be placed on the agenda and to speak at the meeting, or to be moved into executive session, in private:

The nature of my comment is regarding:

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*I understand that I will not be allowed to speak if I have not submitted this in advance of the Board meeting to the Chief Administrator, and I further understand that I cannot speak regarding a student or staff personnel matter in the public session of the Board. I understand and agree that if I do have a confidential matter to discuss with the Board, I must do so by arranging a meeting in advance through the Chief Administrator and attending the Board meeting in executive session, and not in public session. I also understand I am limited to five (5) minutes.*

Dated: \_\_\_\_\_

\_\_\_\_\_  
Community Member Seeking to Be Placed  
on the Agenda

**CHEYENNE RIVER SIOUX TRIBE EDUCATION CODE**

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## CHAPTER 1. GENERAL PROVISIONS

### Section 101. Title

The Title of this Code is the Education Code of the Cheyenne River Sioux Tribe. This title may be cited as the Tribal Education Code.

### Section 102. Responsibility and Authority of the Cheyenne River Sioux Tribe

- a) **Inherent authority over formal education.** The Cheyenne River Sioux Tribe has the authority and inherent right to exercise its responsibility to its tribal citizens for their formal education by enacting and implementing educational laws and policies applicable to all schools and educational institutions, and chartered educational programs and chartered schools within the boundaries of the Cheyenne River Reservation, and all educational programs receiving significant funding for the education of Cheyenne River Sioux youth or adults.
- b) **Tribal law applicable to the maximum extent.** Cheyenne River Sioux Tribal laws and policies apply to the operation of local schools and other educational institutions to the maximum extent of the jurisdiction of the Cheyenne River Sioux Tribe. This Education Code applies to local schools and other educational institutions operated by the United States Government or the State of South Dakota on the Cheyenne River Reservation to the extent that this Code is not preempted by applicable federal or state law.
- c) **Recognition of education provider.** The Cheyenne River Sioux Tribe recognizes the legitimate authority of the actual education provider, whether state, federal, community controlled, charter or private. The Cheyenne River Sioux Tribe commits itself, whenever possible, to work cooperatively with all education providers serving Cheyenne River Sioux Tribal youth or adults to achieve the educational goals of the Cheyenne River Sioux Tribe as set forth in this Education Code and other applicable Cheyenne River Sioux Tribal laws.
- d) **Authority of Tribal Council to negotiate agreements.** As provided in Article IV, Section 1, subsection (a) of the Constitution of the Cheyenne River Sioux Tribe, the Tribal Council is empowered to negotiate with the federal, state, and other tribal governments, and their political subdivisions, any agreements necessary to implement the policies and provisions of this Education Code.
- e) **Other rights and powers not abrogated or diminished.** In exercising its rights and authority over formal education on the Cheyenne River Reservation, the Cheyenne River Sioux Tribe does not sanction or cause any abrogation of the rights of the Tribe or its citizens based upon treaty, trust or citizenship, nor does it diminish the obligation of the federal government or of any state or local political subdivision of a state. The Cheyenne River Sioux Tribe specifically claims for its people and holds the government of the United States responsible for the education of Cheyenne River Sioux Tribal citizens, based on the Fort Laramie Treaty of 1868, 15 Stat. 635, and the trust responsibility of the federal government toward Indian Tribes, and also claims for its people their rights as citizens of the states in which they reside to a non-discriminatory public education, as well as rights under any applicable documents of international law, including the United Nations Declaration on the Rights of Indigenous People, which was adopted by the CRST

Motto: "Woonspe Okolakiciye" (A Learning Place for the Success of All.)

Tribal Council on October 4, 2011.

### Section 103. Purposes

It is the intent and purpose of this Education Code to: 1) protect and perpetuate the cultural integrity, sovereignty, people and lands of the Cheyenne River Sioux Tribe; 2) protect and revitalize fluency in the Lakota language; 3) promote excellence in education and prepare all students for success in the 21st century; and 4) foster lifelong learning among Cheyenne River Sioux Tribal citizens.

The Cheyenne River Sioux Tribe believes that a public education system which provides quality education to all children free-of-charge is both an inherent human right and a Treaty right. Further, there is no evidence that private education achieves better results than public education. Therefore, the Tribe opposes any educational law or system which privatizes education, charges students for public education, or allows scarce public education dollars to profit private investors rather than pay directly for education services.

### Section 104. Definitions

Unless this Education Code otherwise indicates, the following definitions apply herein:

- a) **Alcohol, nicotine or tobacco, and drugs.** "Alcohol, nicotine or tobacco, and drugs" mean any substance which may alter the sensorium, including alcoholic drinks, nicotine, commercial tobacco and tobacco related products, drugs regulated by or controlled under federal or tribal law, and other substances which may result in temporary or permanent loss or diminution in judgment, perception, or coordination.
- b) **Applicable Law.** "Applicable law" means any laws, codes, legislative acts, regulations, ordinances, rules, rules of court, and orders of governmental authorities or regulatory agencies which may be enforced at a local school or other educational institution.
- c) **Bureau of Indian Education.** "Bureau of Indian Education" or "BIE" means both the Bureau of Indian Affairs and/or the Bureau of Indian Education, as applicable.
- d) **Charter or Chartered.** "Charter" or "chartered" means chartered by the Tribal Council under the Tribal Constitution.
- e) **Citizen.** A Tribal "Citizen" is a person who is enrolled in a federally-recognized Tribe.
- f) **Code.** "Code" means the Education Code of the Cheyenne River Sioux Tribe.
- g) **Culture.** "Culture" means shared patterns of human behavior adopted by a group of humans in order to survive as a people, including but not limited to (1) interpersonal and kinship relationships with all living beings; (2) spiritual relationships; (3) values,



assumptions, rules, and attitudes; (4) language; (5) social and individual development processes; and (6) acquisition and use of knowledge.

- h) **Curriculum.** "Curriculum" means any planned education experience provided for students.
- i) **Director.** "Director" means the Director of the Cheyenne River Sioux Tribal Education Agency.
- j) **Education Agency.** "Education Agency" or "Agency" means the department within the Tribal Government charged with administering and empowered to administer this Tribal Education Code.
- k) **Education Committee.** "Education Committee" or "Committee" means the Education Committee of the Cheyenne River Sioux Tribe.
- l) **Education standards.** "Education standards" means minimum levels of performance that local schools and other educational institutions must attain or minimum requirements that local schools and other educational institutions must meet to provide and document quality curriculum and educational policies and programs.
- m) **Educational data.** "Educational data" or "data" includes but is not limited to: attendance reports, achievement data, test results, progress reports, evaluations, language proficiency data, information about curricula and instruction, information about employment practices and staffing, information about social and economic variables, information about funding, budgets, and finance, health and safety information, and information about school grounds and buildings.
- n) **Educational policies and programs.** "Educational policies and programs" include but are not limited to policies or programs other than curriculum that develop strong student or parent knowledge of, skills in, or involvement with schools, their students, and their curricula.
- o) **Educators.** "Educators" includes but is not limited to: teachers, administrators, counselors, and other professional staff, as well as paraprofessional teachers, of local schools and other educational institutions.
- p) **Governing body of an educational institution.** "Governing body of an educational institution" is the authorized governing body of an educational institution, with general charge, direction, and management of the institution and control and care of all property used by or belonging to it, as provided and limited by law.
- q) **Homeschool.** "Homeschool" or "home education" means a nonpublic school conducted primarily by the parent, guardian or other person who has custody of the child; or a nonpublic program of education supervised by a parent, guardian or other person who has custody of the child, provided in the child's home; or alternate instruction provided to a

child on the Cheyenne River Reservation pursuant to SDCL 13-27-3.

- r) **Indian Preference.** "Indian preference" means that first preference shall be given to qualified citizens of the Cheyenne River Sioux Tribe, second preference shall be given to qualified citizens of other federally recognized tribes, and third preference shall be given to qualified non-Indians.
- s) **Local school.** "Local school" is any school (except homeschools) offering grades pre kindergarten through twelfth, or any part of that span, located on the Reservation.
- t) **Other Educational Institution.** "Other Educational Institution" is any school other than a local school or a homeschool that is located on the Reservation, including but not limited to: chartered educational programs, chartered schools, early childhood programs, higher education programs, community learning centers, and any other education program or school authorized by the Tribal Council.
- u) **Parent .** "Parent" means anyone who is a parent or legal guardian of a student, and may include parent groups and committees established under federal, state, and tribal education laws.
- v) **Parenting and Family Life.** "Parenting and family life" includes but is not limited to: family responsibilities, child growth and development, child birth and child care, prenatal and postnatal care for infants and mothers, prevention of child abuse, and related topics.
- w) **Policies and procedures regarding school governance.** "Policies and procedures regarding school governance" shall include but not be limited to education policies and procedures prescribed under federal, state, and tribal law.
- x) **Reservation.** "Reservation" means all land, waters, and waterways within the exterior boundaries of the Cheyenne River Reservation as set forth in the Act of March 2, 1889 § 4, 25 Stat. 888.
- y) **School.** "School" is a place, institution, or process for formal teaching and learning.
- z) **School Board.** "School board" is the authorized governing body responsible for developing and maintaining local schools, and for providing educational opportunities and services on the Reservation.
- aa) **State.** "State" or "state government" means the State of South Dakota, or any political subdivision thereof.
- bb) **Student.** "Student" means anyone who is officially enrolled in a local school or other educational institution.
- cc) **Tribal Constitution.** "Tribal Constitution" or "constitution" means the Constitution of the Cheyenne River Sioux Tribe.

dd) **Tribal Council.** "Tribal Council" or "Council" means the Cheyenne River Sioux Tribal Council.

ee) **Tribal Government.** "Tribal Government" means the authorized government of the Cheyenne River Sioux Tribe.

### **Section 105. Severability**

If any part of this Education Code is adjudged by a court of competent jurisdiction to be invalid, or incapable of being enforced, such judgment shall not affect, impair or invalidate the remainder of this Code, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy.

### Section 106. Repeal of Inconsistent Laws

Any laws or parts of laws inconsistent with this Education Code are repealed.

## CHAPTER 2. TRIBAL EDUCATION AGENCY

### **Section 201. Tribal Council**

The Tribal Council shall be the governing and policy determining body of the Tribal Education Agency. As the governing and policy determining body, the Tribal Council shall:

- a) **Employ Director of Tribal Education Agency.** The Tribal Council shall hire a Director of the Tribal Education Agency who shall be the principal administrator and enforcer of this Education Code;
- b) **Require and review regular reports from the Tribal Education Agency.** The Tribal Council shall require and review regular reports by the Tribal Education Agency regarding the condition, needs and progress of education on the Cheyenne River Reservation. Such reporting shall include an annual State of the Reservation Education Report as provided in this Code;
- c) **Approve or disapprove contracts and agreements with consultants.** The Tribal Council shall approve or disapprove contracts and agreements with consultants consistent with this Code;
- d) **Establish Tribal curriculum.** The Tribal Council shall establish Tribal curriculum in the areas specified in and in accordance with Section 601 of this Code. Such curriculum shall include an approved orthography to be used in Lakota language instruction on the Cheyenne River Reservation;
- e) **Establish Tribal education standards.** The Tribal Council shall establish Tribal education standards in accordance with this Code;
- f) **Establish Tribal education policies and programs.** The Tribal Council shall establish

tribal education policies and programs as specified in and in accordance with this Code, including a consultation policy for Local Educational Agencies who must consult with the Cheyenne River Sioux Tribe under the Every Student Succeeds Act (ESSA) of 2015;

- g) **Adopt or reject rules recommended by Director.** The Tribal Council shall adopt or reject rules recommended by the Director as provided by this Code.
- h) **Approve or disapprove Tribal Education Agency appropriations and operating budgets.** The Tribal Council shall approve or disapprove appropriations and operating budgets for the Tribal Education Agency consistent with this Code;
- i) **Seek grants and funding for education improvement.** The Tribal Council shall seek federal, state, and private funding and grants for the improvement of education on the Reservation, including funding and grants for research, planning and evaluation of education services;
- j) **Promote local control of education.** The Tribal Council shall actively promote local control of education under charters consistent with the purposes and policies of this Code;
- k) **Enact or reject education legislation.** The Tribal Council shall regularly consider the condition, needs, and progress of education on the Reservation and enact or reject such additional legislation or changes in existing legislation.
- l) **Assume control of local community-controlled schools.** The Tribal Council has authority to direct the Education Committee to assume control of a local community-controlled school, as described in Section 202(a) of this Code.

## **Section 202. Education Committee**

The Education Committee of the Tribal Council has oversight authority over the Education Agency and the implementation of education legislation. The Education Committee has the general power to monitor the activities of all Bureau of Indian Education funded schools and local community school boards serving the Cheyenne River Sioux Tribe, including the authority to:

- (a) **Assume control of local community-controlled schools.** Upon direction of the Tribal Council, the Education Committee shall assume control of local community-controlled schools from the local community school board in situations wherein:
  - (1) The Tribe has received written notice of the intent of the Bureau of Indian Education to reassume any of the programs which the local community school is managing and operating under authorization from the Cheyenne River Sioux Tribe, pursuant to 25 USC § 2502a, or
  - (2) The Tribe has sent written notice to the local community school board that the Cheyenne River Sioux Tribe has made a request for retrocession of the programs which the local community school is managing and operating under authorization from the Cheyenne River Sioux Tribe, pursuant to 25 USC § 2502a, or
  - (3) The Education Committee has provided the local community school board with a written notice of its opportunity for a due process hearing held pursuant to regulations adopted by the Tribal Council, at which the local community school board may appear and show cause why the programs which the local community school is managing and operating under authorization from the Cheyenne River Sioux Tribe,

pursuant to Public Law 93-638 or Public Law 100-297, as amended, should not be assumed by the Education Committee.

- (b) **Provide guidance for school accreditation activities.** The Education Committee shall provide guidance to the Education Agency for school accreditation activities, including supporting local schools achieving accreditation through the Commission for Oceti Sakowin Accreditation (COSA).
- (c) **Approve academic achievement testing standards and assessment instruments.** The Education Committee shall approve academic achievement testing standards and assessment instruments for schools serving the Cheyenne River Sioux Tribe, including instruments for assessing Lakota language and cultural knowledge.
- (d) **Establish policies and procedures for carrying out accountability provisions.** The Education Committee shall establish policies and procedures for carrying out the accountability provisions of this Code and federal education laws with regard to all Bureau of Indian Education funded schools serving the Cheyenne River Sioux Tribe.
- (e) **Establish procedures for endorsing cultural programs and for certifying teacher competency.** The Education Committee shall, after consultation with the Wolakota Committee, establish procedures and criteria for endorsing Lakota language and cultural knowledge programs and for certifying the competency of teachers to deliver them.
- (f) **Receive monitoring and evaluation reports.** The Education Committee shall receive monitoring and evaluation reports on all elementary and secondary education programs serving the Cheyenne River Sioux Tribe.
- (g) **Enforcement procedures for attendance laws.** The Education Committee shall develop procedures to enforce the Cheyenne River Sioux Tribe school attendance laws.
- (h) **Review and endorse curricula.** The Education Committee shall review and endorse or decline to endorse existing elementary and secondary school curricula, teaching and assessment materials for consistency with the unique needs of Cheyenne River Sioux students in all schools serving the Tribe, and after consultation with the Wolakota Committee, shall make recommendations thereon to the state agency controlling the curricula in the public schools.
- (i) **Direct the creation and publication of curricula.** The Education Committee shall direct the creation and publication of curricula, teaching, and assessment materials as needed for instruction in Lakota language and cultural knowledge.
- (j) **Negotiate and recommend Intergovernmental agreements.** The Education Committee shall negotiate and recommend to Tribal Council intergovernmental agreements as necessary to coordinate the activities of the Tribal Education Agency with the Bureau of Indian Education and the South Dakota Department of Education.
- (k) **Recommend legislation.** The Education Committee shall recommend needed education legislation to the Tribal Council.
- (l) **Actively pursue funding.** The Education Committee shall actively pursue funding to support Cheyenne River Sioux Tribal education programs.
- (m) **Establish enforcement procedures.** The Education Committee shall establish procedures for the enforcement of this Code and implement this Code to the full extent of the Cheyenne River Sioux Tribe's jurisdiction.

## Section 203. Education Agency

- (a) **Establishment of Agency.** The Education Agency is hereby established as the administrative agency within the Cheyenne River Sioux Tribe with responsibility and authority for implementing and enforcing the education laws of the Cheyenne River Sioux Tribe. The Education Agency is subject to and carries out the laws adopted by the Tribal Council. In exercising its responsibilities, the Education Agency seeks to work cooperatively with schools serving the Cheyenne River Sioux Tribe.
- (b) **Agency Director.** The Education Agency is under the immediate direction of the Education Agency Director, subject to the oversight of the Education Committee and the overall direction of the Tribal Council. In carrying out its responsibilities, the Education Agency, through its Director, is authorized and directed to:
- 1) **Administer and enforce this Education Code.** In being the principal administrator and enforcer of this Tribal Education Code, the Director shall:
    - i. Exercise oversight over compliance with this Education Code by local schools and other educational institutions;
    - ii. Serve as the principal technical and professional advisor to the Tribal Chairman and Tribal Council on all matters relating to this Education Code and education on the Reservation;
    - iii. Provide leadership in and otherwise promote the improvement of education on the Reservation, including through contact with educators, personal appearances at public gatherings, research, planning and evaluation of education service.
  - 2) **Supervise Tribal education programs.** The Director shall supervise the following Tribal programs: Johnson O'Malley, Title I Program, Higher Education Program, Cheyenne River Head Start, all Tribal education scholarship and grant programs, and all other Tribal education programs.
  - 3) **Budget preparation and fiscal oversight.** Prepare a written Education Agency budget for Tribal Council approval and submit to the TECA office pursuant to Ordinance 74. Manage the annual appropriation for the Education Agency, following established Tribal policies for expenditures and procedures for administering the appropriation.
  - 4) **Data collection.** Establish a uniform system for gathering, compiling, and reporting educational data from local schools and other educational institutions, the Tribe, and the state and federal governments. The Agency shall use the data to evaluate and ensure compliance with this Code, and to improve generally the condition, needs and progress of education on the Reservation. The system for gathering data will include but not be limited to:
    - i. Receiving and examining written educational data, policies and procedures regarding school governance, and educational policies and programs provided by local schools and other educational institutions. The Agency shall specify a format for the reporting of written educational data by local schools and other educational institutions;
    - ii. Establishing the Cheyenne River Consortium of Schools comprised of educators; administrators or professional staff of other tribal and nontribal agencies, departments and programs; members of the community; and parents.

The Agency Director shall call and conduct meetings with the Consortium network at least twice a year. Through such meetings, the Director shall endeavor, through discussion and explanation, to establish, maintain, and refine administration and enforcement of this Education Code, and of the standards, programs, procedures and rules developed under this Code;

- iii. On-site assessment visits to local schools and other educational institutions conducted by an evaluation team. The requirements of this subsection can be fulfilled by the Agency Director accompanying existing school evaluation teams. If there is no established evaluation team, for local schools each team shall include: (1) the Tribal Education Agency Director; and (2) a member of the state department of education or a local school administrator. In the case of other educational institutions, each team shall include: (1) the Tribal Education Agency Director; and (2) a member of the Bureau of Indian Education area office or agency, or a local school administrator. Such on-site visits shall be conducted at least once every three years for each local school and once every two years for every other educational institution, or more often as is necessary. The team shall evaluate compliance with this Code; the problems and progress of students; action taken to correct previous areas of noncompliance and problems; and other areas identified during the data gathering of the Agency.
- 5) **Report results of gathering and compiling data to the Tribal Council, school board, and governing body; State of the Reservation Education Report.** Report the current results of the gathering and compiling of data to Tribal Council, and to the school board or governing body of any other educational institution to which the data pertains. Such reporting shall include, but shall not be limited to, an annual State of the Reservation Education Report, which shall detail the conditions, needs and current progress of education on the Reservation, and shall include recommendations of the Director regarding needed legislation or action on behalf of education.
  - 6) **Communicate this Code to school boards, governing bodies and educators.** Communicate this Education Code to school boards, the governing bodies of other educational institutions, and educators all information and instructions regarding curriculum, standards, and educational policies and procedures developed under this Code.
  - 7) **Act as a liaison between the Tribe and the State of South Dakota on education matters.** Act as a continuous liaison between the Tribe and the State of South Dakota on education matters. The Agency Director shall serve on Tribal, state, or other committees as directed by the Tribal Council.
    - 8) **Coordinate Agency services and activities and negotiate cooperative arrangements.**
      - i. Coordinate Agency services and activities with those of other Tribal departments, programs and offices, and with those of the state and federal governments;
      - ii. Negotiate cooperative agreements between the Education Agency and school boards, governing bodies, chartered educational programs and schools, and other tribal departments, provided that any cooperative agreement negotiated

- under this section is ineffective unless and until approved by Tribal Council.
- 9) **Contract with consultants.** Subject to the approval of Tribal Council, contract with consultants as the Director deems necessary to administer and enforce this Code.
  - 10) **Develop and recommend curriculum, education standards, and orthography.**  
Subject to the approval of Tribal Council, develop tribal curriculum and education standards in the areas specified in and in accordance with this Code, and recommend an orthography to be used in Lakota language instruction on the Cheyenne River Reservation.
  - 11) **Confidentiality.** Comply with federal and, whenever appropriate, state requirements regarding confidentiality of records.
  - 12) **Legislative updates; testimony preparation.** Update Tribal Council on federal or state legislation which could impact education on the Cheyenne River Reservation. Prepare testimony or Tribal position statements on pending legislation or policy as requested by Tribal Council or the Education Committee.
  - 13) **Truancy prevention and alternative education.** Develop, in partnership with the Tribal Court, the Tribal Health Department Behavioral Health Program and local community school boards, comprehensive school-familycommunity truancy prevention programs in each Reservation school, and a Reservation-wide truancy alternative and optional education program.
  - 14) **Assumption of control of community-controlled schools.** Upon a directive from the Education Committee, assume control of community-controlled schools in situations where the Education Committee exercises its authority under Section 202(a).
  - 15) **Language revitalization.** Actively develop and offer language revitalization programs to Cheyenne River Sioux Tribe citizens, in order to promote and support the use and revitalization of the Lakota language.
  - 16) **Filing and records.** File and maintain paper and/or secure electronic records of all education papers, public documents, reports and data, and hold the same subject to inspection by Tribal Council; and keep records of all matters related to the Tribal Education Agency.
  - 17) **Implement Education Committee actions.** Implement the procedures, policies, directives and guidance as approved by the Education Committee related to the education of Cheyenne River Sioux children and adults and the enforcement of Tribal laws.
  - 18) **Planning, development and training.** The Education Agency shall be available to work with schools, school districts, school boards, local communities and other appropriate entities to develop plans for the implementation of this Code, to coordinate use of available resources, and to assist in the development of new resources. The Education Agency shall ensure that its staff have and receive appropriate professional training in order to stay informed of current educational methodologies, laws, regulations and research.

### CHAPTER3. SCHOOLBOARDS

#### Section 301. Local Control of Schools



- (a) **Tribal support of local control of schools.** The Cheyenne River Sioux Tribe encourages and supports local control of education. Administration of a local school shall be under the guidance and direction of a local school board except as provided for in Section 202(a).
- (b) **School Boards to cooperate with Education Agency.** School boards shall ensure that their schools and staff cooperate with the Education Agency in the implementation of this Code and in addressing other education problems and issues that arise on the Reservation. Such cooperation shall include, but not be limited to: providing written educational data to the Education Agency annually; following the format provided by the Agency; ensuring that educators participate effectively in the Cheyenne River Consortium of Schools; ensuring that their administrators participate effectively in the on-site assessment evaluation teams provided for by this Code; and cooperating generally with the oversight and monitoring activities of the Education Agency.
- (c) **School boards to include Education Agency in review processes.** School boards will include the Education Agency in their established processes for reviewing curriculum, education standards, and educational policies and programs. This inclusion is necessary for the Agency to effectively develop curriculum, education standards, and educational policies and programs.

### **Section 302. Number and Composition**

The number of members to serve on each school board shall be determined by the school enrollment as follows:

- (a) Under 200 students - 5 members
- (b) Over 200 students - 7 members

### **Section 303. Qualifications**

- (a) Any person elected as a school board member shall be an enrolled member of the Cheyenne River Sioux Tribe, and shall be twenty-one (21) years of age or over at the time of his/her election.
- (b) No employee of the school shall be elected as a school board member. No employee of the Cheyenne River Sioux Tribe shall be elected as a school board member if that employee's job duties give them access to school finances and/or allows them to influence outcomes for that school or other educational programs.
- (c) No person convicted of a major crime, as described in federal statutes, shall be elected as a school board member.
- (d) No person removed from office as a school board member under Section 306 (b) and (c) of this Chapter shall be elected as a school board member.
- (e) The Tribal Election Board shall be the sole judge of the qualifications for school board.
- (f) All school board members shall be elected from their respective school service area, and shall be a resident of the school service area from which they are elected.
- (g) School board members do not need to have a child currently attending the school.
- (h) The local school board for the Cheyenne-Eagle Butte School shall be elected from the

Reservation at large.

- (i) School board members may not serve on more than one school board.
- (j) More than one member of the same immediate family, meaning spouses or siblings or parents and children, may not serve on the same school board.

### **Section 304. Elections**

- (a) A candidate for election to a school board shall submit a signed application for office to the Secretary of the Cheyenne River Sioux Tribal Council.
- (b) Elections shall be conducted by the Cheyenne River Sioux Tribe according to Ordinance No. 14, Elections, as amended.
- (c) The Tribal Election Board shall certify the candidates for election to school boards. The candidates elected to school boards shall be certified by the Tribal Election Board, no later than five (5) working days after the election. The Chairman of the Tribal Election Board shall notify the Education Agency and the successful candidate in writing of the candidate's election to the school board. The newly elected school board member shall meet with the Education Agency Director and sign a Letter of Agreement. The Letter of Agreement shall describe the school board member's duties and responsibilities, including applicable ethical standards and rules regarding conflicts of interest. The school board member's tenure shall begin upon execution of the Letter of Agreement. If the Letter of Agreement is not signed within 30 days after the election, the seat shall be considered vacant. See Appendix A, School Board Member Letter of Agreement.
- (d) Elections shall be held every two (2) years for the number of seats vacant on each school board. Regular school board elections shall be scheduled to coincide with Tribal elections.
- (e) Local school boards shall have the authority to call a special election for the purpose of filling a vacancy, or, if a school board position becomes vacant within six (6) months of an election of school board members, the candidate with the second highest number of votes in that election may be appointed to the vacant seat by the Chairman of the Tribal Election Board to serve the remainder of the term. If a school board position becomes vacant after six (6) months of an election of school board members, or if the candidate with the second highest number of votes is unavailable, unwilling, or unqualified to fill the vacancy, then the school board shall call a special election to fill the vacancy.

### **Section 305. Term of Office.**

The term of office of a school board member shall be four (4) years. For the initial election, lots shall be drawn for three (3) two-year terms for five-member boards, and four (4) two-year terms for seven-member boards. Thereafter, at all succeeding elections, the vacant positions shall be filled for a term of four (4) years.

### **Section 306. Removal from Office.**

- (a) Any board member who, during their term of office, is convicted of a major crime, becomes employed by the school, misses three (3) consecutive regular meetings of the school board, is automatically removed from office by operation of law. The school board may take action to recognize the removal of the school board member and declare that seat vacant. The school board member may ask the Tribal Court to review the school board's action, and the Court may affirm or rescind the action without further review or appeal.
- (b) If the Education Director presents evidence to the Education Committee at a meeting where a quorum is present that a school board member has violated the terms of his or her Letter of Agreement, and has been given a reasonable opportunity to cure said violations and has not done so, and the school board member has been given notice and an opportunity to appear at that Education Committee meeting and respond to said evidence, then the Education Committee may remove the school board member by majority vote. The vote of the Education Committee shall be final, and no appeal to the Tribal Court shall be given.
- (c) Board members may be removed by petition to the Tribal Court for misconduct in office if he or she has willfully and flagrantly exercised authority or power not authorized by law, refused or willfully neglected to enforce the law or to perform any official duty imposed on him or her by law, or is guilty of gross neglect of duty. A petitioner must file a specific accusation of misconduct in office in Tribal Court. The petition must contain valid signatures by people who live in the school district equal to 15 percent of the total votes cast in the last school board election. After the petition is submitted to the Tribal Court, a hearing must be held within 30 days. If evidence is presented at the hearing showing misconduct in office by clear and convincing evidence, then the Court shall issue an order removing the school board member and declaring the seat vacant.

#### Section 307. Powers and Duties.

The local school boards shall exercise all authority and responsibility as described in P.L. 95-561 or P.L. 100-297 or amendments thereto, including but not limited to, school board functions regarding funding, personnel, standards, policy development, program evaluation, curriculum approval, and representation of the Tribal community.

Local school board decisions shall be made in accordance with all applicable laws and regulations, including this Code. School boards do not have direct authority to waive Indian preference whenever a qualified Tribal member or qualified non-member Indian is not an available applicant for that position. Tribal Council may waive Indian preference upon request of a school board. School board requests to waive Indian preference shall be submitted to Tribal Council upon recommendation of the Education Committee.

### Section 308. Policies and Procedures.

Policies and procedures shall be described for each board (consistent with Section 11-1), including but not limited to, educational philosophy and goals, policies and procedures for adoption of policy, election of officers, regular meetings, special meetings, notices of meetings, format for the agenda of meetings, parliamentary procedures, amendments of policies and procedures and any other articles deemed necessary that are consistent with relevant statutes, regulations, and Tribal law. Such policies shall include a conflict of interest provision requiring a school board member to recuse themselves completely from any matter before the school board which involves a member of their immediate family, which includes parents, children, spouse and siblings of the school board member. Policies and procedures for each local school board shall be reviewed annually by the Education Committee.

### Section 309. School Board Budget and Expenses.

All school budgets must include a budget for school board expenses. For school boards operating under this chapter, the school board budget shall include twelve regular meetings and four special meetings during one school year, and total school expenditures on school board meetings, training and travel shall not exceed 1% of the school's total budget. Any exceptions to this section must be approved in advance by the Education Committee upon the recommendation of the Education Agency Director.

### Section 310. Special Meetings.

Community members must be given at least 24 hours notice of all special meetings of the school board. The purpose of all special meetings must be in writing and included in the notice to community members and in the school board minutes. Up to four special meetings may be included in the school board budget. If the school board calls over four special meetings in a single school year, school board members shall attend those additional special meetings at their own expense. School board meetings called for the purpose of student disciplinary hearings and appeals shall not be included in the count of special meetings.

### Section 311. Amendments.

Proposed amendments to this Chapter shall be issued to each local community school board for a period of no less than thirty (30) days, prior to the regular session of Tribal Council in which said amendment is to be acted upon.

## CHAPTER 4. GOVERNING BODIES OF OTHER EDUCATIONAL INSTITUTIONS

### **Section 401. Establishment of governing bodies.**

The establishment or creation of the governing bodies of other educational institutions shall be accomplished by charter or by other enactment of the Tribal Council. Their powers and duties, administrative organization and structure, and operation shall also be so established.

Section 402. Education Code governs the governing bodies of other educational institutions.

In addition to their charter or other enactment establishing or creating them, the governing bodies of other educational institutions are subject to this Tribal Education code and to other tribal law as specified in this Code.

Section 403. Governing bodies of other educational institutions to cooperate with the Tribal Education Agency.

The governing bodies of other educational institutions shall ensure that their schools and staff cooperate with the Education Agency in the implementation of this Code and in addressing other education problems and issues that arise on the Reservation. Such cooperation shall include, but not be limited to: providing written educational data to the Education Agency annually following the format specified by the Agency, and ensuring that their educators participate effectively in the Cheyenne River Consortium of Schools.

### **Section 404. Governing bodies of other educational institutions to provide policies and procedures to Education Agency and align policies with this Education Code.**

The governing bodies of other educational institutions shall provide a complete and current copy of all existing written policies and procedures regarding school governance to the Education Agency. The governing bodies of other educational institutions shall annually provide copies of any and all amended or new such policies to the Agency. Existing policies and procedures which are inconsistent with this Code are subject to revision with technical assistance from the Education Agency. Amended or new policies shall be aligned with relevant provisions of the Education Code before their adoption by the governing bodies.

### **Section 405. Governing bodies of other educational institutions to include Education Agency in review processes.**

Governing bodies of other educational institutions will include the Education Agency in their established processes for reviewing curriculum, education standards, and educational policies and programs. This Inclusion is necessary for the Agency to effectively develop curriculum, education standards, and educational policies and programs.

**Section 406. Governing bodies of other educational institutions to ensure that the institutions include tribal curriculum.**

The governing bodies of other educational institutions shall ensure that other educational institutions provide instruction that is in substantial compliance with the tribal curriculum provided for and developed under this Education Code.

**Section 407. Governing bodies of other educational institutions to ensure that the institutions meet tribal educational standards.**

The governing bodies of other educational institutions shall ensure that other educational institutions attain or meets all applicable tribal education standards provided for and developed under this Education Code.

**Section 408. Governing bodies of other educational institutions to ensure that the institutions develop policies and programs.**

The governing bodies of other educational institutions shall ensure that other educational institutions develop all tribal education policies and programs required under this Code.

CHAPTER 5. SCHOOL ENROLLMENT AND ATTENDANCE

**Section 501. Mandatory Attendance.**

Every guardian of a child between the ages of five and eighteen years shall enroll the child in school for the entire school year, and shall assure the attendance of the child at all required class sessions unless the child has an excused absence, in accordance with Chapter X of the CRST Children's Code. Each school board shall establish a written policy specifying the reasons for which students may be permitted to be absent from school.

Section 502. Exceptions.

A guardian is excluded from the duties in Section 501 if it is proven to the Education Agency that the child is attending a regularly organized private school, the child has obtained a high school diploma or equivalency certificate, the child has been barred from school attendance by school disciplinary action, or, the child is receiving all required educational services through a homeschool which meets the requirements of this Code.

## Section 503. Sanctions and Enforcement.

Violations of this Chapter shall be penalized through civil and criminal remedies in accordance with Chapter X of the CRST Children's Code.

## CHAPTER 6. STANDARDS AND CURRICULUM

### **Section 601. Tribal Standards and Curriculum**

The Tribal education standards and curriculum developed, adopted and established under Chapter 2 shall include the following areas of study, in accordance with the purposes of this Code as laid out in Section 103:

- A. Lakotiyapi: Lakota language
- B. Lakota culture
- C. Traditional academic subjects, including STEM subjects (science, technology, engineering, and mathematics)
- D. The history and government of the Cheyenne River Sioux Tribe, including relationships with state, federal and other sovereign governments
- E. Health, wellness and nutrition
- F. Parenting and family life, including study of tiospaye and tiwahe at Cheyenne River
- G. Economics and financial literacy
- H. Career and technical subjects

### **Section 602. Procedures for developing Tribal Standards and Curriculum**

In developing standards and curriculum for review and recommendation by the Education Committee and adoption by Tribal Council, the Education Agency will:

- A. Review existing standards and curriculum in use by local schools and other educational institutions, including the Oceti Sakowin Essential Understandings and Standards developed by the South Dakota Department of Education, Office of Indian Education. The Agency may conduct an independent review or may participate in the school's established process for reviewing standards and curriculum.
- B. Consult with school boards and governing bodies of other educational institutions.
- C. Consult with educators, parents, students and community members.
- D. Consult with other experts and/or stakeholders as needed.
- E. Obtain and review comments on draft standards and curriculum.
- F. Ensure that draft standards and curriculum comply with Tribal law, including this Education Code.
- G. Make recommendations to the Education Committee regarding draft standards and curriculum.
- H. Maintain copies of standards and curriculum on file for inspection by members of the public.

### **Section 603. Reporting**

School boards shall include information regarding compliance with Tribal education standards and curriculum in their annual report to the Education Agency. The Education Agency will include this information in its annual State of Reservation Education Report.

### **Section 604. Compliance**

The Education Agency will evaluate each school or other educational institution's compliance with Tribal standards and curriculum. If a school is found to be out of compliance, the Agency will work with the school to determine the cause(s) of the violation, and to develop and implement a corrective action plan to cure the violation.

## **Chapter 7. EDUCATORS**

### **Section 701. Qualifications; certification**

All educators in schools and other educational institutions shall be qualified and certified in their teaching assignment to the extent required by tribal, state and federal law.

### **Section 702. Training**

The Education Agency will consult and coordinate with school boards and governing bodies of other educational institutions regarding certification and recertification areas appropriate for educators. To the greatest extent possible, the Education Agency will work with local colleges to make certification and recertification courses available locally for educators.

### **Section 703. Cultural Orientation**

All educators, school administrators and support staff shall complete a cultural orientation which includes an introduction to the history and culture of the Cheyenne River Sioux Tribe, including information about the Oceti Sakowin. The orientation will be designed and conducted by the Education Agency.

### **Section 704. Tribal Certification**

Tribal Certification is required for all educators who are employed on the Cheyenne River Reservation. Certification requirements are established by the Tribal Council but require, at a minimum, completion of the Cultural Orientation, and completion of at least three credit hours (or equivalent as determined by the Education Agency) of Lakota language study, or



demonstrated proficiency in the Lakota language. The Education Agency shall be the certifying entity for Tribal Certifications.

### **Section 705. Competency Evaluation**

All local schools and other educational institutions shall evaluate educators annually. The evaluations shall follow the school's policies and procedures and shall be in writing. A general summary of the annual evaluations and evaluation methods, containing no personally identifying or confidential information, shall be included in the school or educational institution's annual report to the Education Agency.

## **CHAPTER 8. INDIAN PREFERENCE**

### **Section 801. Education Agency to apply Indian preference**

In implementing this Code, the Education Agency shall apply Indian preference in the hiring, training, retention, and promotion of all staff, personnel, consultants and contractors. Indian preference applies to individuals who are equally qualified in education and experience.

### **Section 802. Local Schools and Other Educational Institutions to apply Indian preference**

Local schools and other educational institutions shall apply Indian preference in the hiring, training, retention, and promotion of all personnel, including educators and support personnel. Local school boards may request a waiver of Indian preference only as described in Section 307.

## **CHAPTER 9. REQUIRED SCHOOL POLICIES**

Annually, all local schools and other educational institutions shall provide a copy of the policies in this Chapter to the Education Agency.

### **Section 901. Alcohol, nicotine and drug abuse**

All local schools and other educational institutions shall develop and implement policies to prevent and address alcohol, nicotine and drug abuse. Said policies will comply with all applicable law.

### **Section 902. Parent Involvement**

The Cheyenne River Sioux Tribe recognizes that a critical part of effective schooling is parent and guardian involvement. The school and the home cannot be looked at in isolation from one another; families and schools need to collaborate to help children adhere to the responsibilities of being successful students. Parent involvement policy for all local schools and other educational

institutions shall be developed with the assistance of parents, agreed to by parents, reviewed and updated annually by parents, and made readily available to the local community. Schools shall report annually to the Education Agency regarding parent involvement activities, assessments, and outcomes.

#### Section 903. Suicide Response

All local schools and other educational institutions shall develop and implement policies to prevent, including primary, secondary and tertiary prevention strategies, respond to, provide aftercare for, and report suicide. Said policies will comply with all applicable law.

#### Section 904. Student Rights

All local schools and other educational institutions shall develop policy to ensure that the constitutional, statutory, civil and human rights of students are respected and preserved. Said policy will be appropriate to the age and capacity of the students in that local school or other educational institution. For example, a student bill of rights could contain the following rights: to learn in a safe and friendly place, to be treated with respect by school employees and other students, to receive the help and support of caring adults, to learn in a school that is free from discrimination, violence and bullying, etc. Each school's students rights policy shall contain a statement of students right to privacy, notice, and access to student records consistent with the Family Educational Rights and Privacy Act (FERPA). The student rights policy will be provided to students and parents annually, and the public, including parents, students, and others in the community, shall have input into the development and amendment of the student rights policy.

#### Section 905. Lesbian, Gay, Bisexual and Transgender (LGBT) Students

It is the policy of the Cheyenne River Sioux Tribe to give schools and other educational institutions the guidance and information needed to create a safe, supportive, and nondiscriminatory learning environment for all students on the Cheyenne River Reservation. LGBT students experience verbal and physical harassment or assault in school, are at higher risk for suicide, and may perform poorly academically when they are harassed or bullied. All local schools and alternative educational institutions shall therefore develop LGBT antidiscrimination policies. The Education Agency shall develop a model LGBT antidiscrimination policy and make it available to local schools and other educational institutions.

#### Section 906. Bullying and Social Media

The Cheyenne River Sioux Tribe finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn,

creates a higher risk for depression and suicide among victims, and leads to other antisocial behavior. Therefore, all local schools and other educational institutions shall develop and implement a policy to prevent and respond to bullying, including cyberbullying, and harassment, including sexual harassment. Said policy will comply with the requirements of Ordinance 75, Anti-Bullying Act, for such policies and shall include clear definitions of bullying, cyberbullying, harassment and sexual harassment, provisions for prevention, training, reporting, a student code of conduct, prompt conflict resolution, and a provision requiring statistics regarding bullying incidents and resolutions in the school's annual report to the Education Agency. Policies for investigation of bullying incidents shall include a provision that victims and alleged perpetrators must be interviewed separately, at different times.

#### Section 907. Mandatory Reporting

School boards shall develop policies, in accordance with applicable law, regarding mandatory reporting of suspected child abuse and neglect. School boards may also adopt and follow the Bureau of Indian Education's Suspected Child Abuse/Neglect (SCAN) reporting protocol, in lieu of developing their own protocol.

#### Section 908. School Wellness Policy

School boards shall develop wellness policies, in accordance with applicable law, which promote student health and wellbeing. The School Wellness Policy shall include, as a minimum, 1) goals for nutrition promotion and education and physical activity, 2) nutrition guidelines for all foods provided at school that are consistent with accepted nutrition standards, as well as language which 3) allows public input in the development of the school wellness policy, 4) identifies one or more school officials who has the authority and responsibility to ensure each school compliance, and 5) informs the public (including parents, students, and others in the community) about the local school wellness policy on an annual basis.

#### Section 909. School Safety and Emergency Response Plan

All local schools and other educational institutions shall develop and implement a school safety and emergency response plan to prevent and respond to any natural or manmade disaster or crisis at the school. Said plan will address, at a minimum, preparedness, prevention, response, and recovery, and shall comply with all applicable law.

#### **Section 910. Students with Exceptional Needs**

All local schools and other educational institutions shall develop and implement policies to address students with exceptional needs such as children in foster care, homeless children,

children who are themselves parents, and children with behavioral health and substance abuse problems.

## **CHAPTER 10. TRIBAL EDUCATION POLICIES**

### **Section 1001. Schools to use positive discipline**

All local schools and other educational institutions shall develop policies and procedures for the discipline of students that comply with this Chapter.

- 1) The use of corporal punishment, by any name or means, is prohibited.
- 2) Student discipline should be progressive, unless the behavior is severe or extreme, such as a weapons or drug violation.
- 3) Short-term suspension is defined as one to five days. Long-term suspension is defined as six to twenty days. No student may be suspended for more than twenty days.
- 4) All long-term suspensions require a planning meeting, student action plan with academic and behavioral support components, a written reentry plan, and a reentry meeting.
- 5) Expulsion is prohibited, except for conviction of a serious offense under the appropriate jurisdiction.

## **CHAPTER 11. EARLY CHILDHOOD**

### **Section 1101. Early Childhood Programs**

Parents and guardians of children on the Cheyenne River Reservation are encouraged to enroll their children in programs of early childhood education. Early childhood programs should use a comprehensive developmental approach to help children achieve social competence and pre academic skills which are associated with positive school performance and social adjustment, including children with disabilities from birth to five years of age and their families. Early childhood programs shall work closely with parents and local communities to develop and implement their program plans.

## **CHAPTER 12. SPECIAL EDUCATION**

### **Section 1201. Students with Disabilities**

Local schools and other educational institutions on the Cheyenne River Reservation shall ensure that students with disabilities receive educational and support services and resources that are adequate to meet their special educational needs and that are both appropriate and nondiscriminatory in terms of Lakota language, learning styles and culture. The Cheyenne River Sioux Tribe supports the essential policies delineated within the Individuals with Disabilities Education Act (IDEA), as amended, concerning the provision of a free, appropriate public education in the least restrictive environment and the procedural rights and safeguards afforded students with disabilities and their parents. No local school or other educational institution shall

discriminate against any student or applicant for services on the basis of disability.

### **Section 1202. Coordination**

The Education Agency shall coordinate with other agencies to provide personnel preparation services for special education and related service needs to increase the availability of qualified Cheyenne River Sioux Tribe special education personnel.

## CHAPTER 13. GIFTED AND TALENTED

### **Section 1301. Education of gifted, talented, and highly motivated students**

All local schools and other educational institutions on the Cheyenne River Reservation shall identify the strengths of gifted, talented and highly motivated students and shall provide appropriate educational planning which will challenge and nurture each student's level of development to its highest potential. Students shall be provided an opportunity to work at their appropriate developmental level of ability rather than being limited to a normative level.

### Section 1302. Programs for gifted, talented and highly motivated students

All local schools and other educational institutions shall provide special programs to recognize and encourage students who are gifted, talented, highly motivated, and those who demonstrate substantial academic improvement.

## CHAPTER 14. BUS ROUTES AND TRANSPORTATION

### **Section 1401. Comprehensive school transportation plan**

Adequate bus transportation is of vital importance to the Cheyenne River Sioux Tribe to improve school attendance. Local school board policy governing the transportation of students shall meet or exceed all applicable safety regulations. The Cheyenne River Sioux Tribe, through the Education Committee and the Roads Committee, shall work in a cooperative effort with the Bureau of Indian Education and local school boards to adopt adequate school bus routes, to avoid excessively long bus travel, and to develop a comprehensive school transportation plan. In apportioning funds for road construction and maintenance, the Cheyenne River Sioux Tribe shall prioritize school transportation needs.

## CHAPTER 15. DORMITORIES

### **Section 1501. Dormitory policies**

Each local school and other educational institution which operates a dormitory shall develop and implement policies to address expectations, safety, visitors and other relevant matters. Said policies will comply with all applicable law.

## CHAPTER 16. HIGHER EDUCATION SCHOLARSHIPS

### **Section 1601. Higher Education Scholarship Program**

The Tribal Council will establish the annual budget for the Higher Education Scholarship Fund. The scholarship program will administer all Tribal scholarships according to the rules of each funding source, with oversight by the Education Agency.

## CHAPTER 17. CHARTERED EDUCATIONAL PROGRAMS AND CHARTERED SCHOOLS.

### **Section 1701. Tribal Council may charter educational programs and schools**

The Tribal council, pursuant to the Tribal Constitution, may issue charters of incorporation by which the Council establishes a public corporation, private or parochial school, or other organization and charges that corporation or organization with providing for specific educational programs and schools on the Reservation.

### **Section 1702. Chartered educational programs and schools subject to Tribal Education Code**

Consistent with and to the extent permitted by tribal and federal law, chartered educational programs and schools shall operate according to the tribal resolutions approving their charter: their charters of incorporation; their articles of incorporation; and their bylaws, including all amendments and updates thereto. In addition, chartered educational programs and chartered schools are subject to applicable provisions of this Code and shall carry out their roles as described in this Code.

## CHAPTER 18. HOME EDUCATION

### **Section 1801. Homeschools registered through state law**

Any parent wishing to educate their child through home education shall follow applicable state law to register the child as a homeschooled child at the district school for the district in which they reside.

### **Section 1802. Wolakota schools: family-based education**

The Education Agency may develop standards and practices which allow families to educate their child through home education under this Code, so long as the home-based school adheres to the minimum education standards and Tribal curriculum established under this Code.

## **CHAPTER 19. COMMUNITY-BASED EDUCATION**

### **Section 1901. Community-based education and partnerships**

The Cheyenne River Sioux Tribe encourages community based education. Community based education is curriculum relevant to tribal community cultural values and traditions, which is achieved by developing special projects with related education goals within a community context. Tribal communities partner with local schools and other educational institutions to engage students with communities and develop projects based on the communities' current priorities with regard to the environment, natural resources, health and other subject areas.

APPENDIX A

**CHEYENNE RIVER SIOUX TRIBE EDUCATION AGENCY**

**SCHOOL BOARD MEMBER LETTER OF AGREEMENT**

As a board member of the \_\_\_\_\_ School, I am fully committed to the mission of the School and pledge to help carry that mission forward. I understand that my duties and responsibilities include the following:

- 1) I have read and understand the CRST Education Code, in particular the chapter relating to school boards.
- 2) In every decision I participate in, I will put the needs and interests of the students first.
- 3) I will, along with my fellow board members, be fiscally responsible for this organization. I will know what our budget is and take an active part in reviewing, approving, and monitoring the budget.
- 4) I will not approve of any special or irregular board meetings, board travel, or board trainings, unless absolutely necessary for school purposes.
- 5) As a board member I may not and will not participate in day-to-day management of the school. I understand that administering the school is the duty of the superintendent.
- 6) As an individual board member, I am not able to commit the board to any action.
- 7) I will support all decisions made by majority vote of the school board, even if I did not vote in support of that decision.
- 8) I will prepare for and attend board meetings.
- 9) I will attend all board events and trainings required by the Education Agency.
- 10) Because the superintendent is the school board's advisor, I will not take action as a board member before hearing the superintendent's recommendation.
- 11) I will respect the right of the public to attend and observe board meetings, and will make sure the public is notified about board meeting times with at least 24 hours notice, and that the public is informed about board decisions and school operations as allowed by law.
- 12) I will actively participate in assessing the school and setting its long-range strategic goals and annual objectives.
- 13) I will follow the following CODE OF ETHICS for school board members:

**SCHOOL BOARD CODE OF ETHICS**

- a) I will uphold and enforce all laws, rules, regulations and court orders pertaining to the \_\_\_\_\_ School.
- b) I will not support any board actions which result in financial benefit to board members, including approval of travel, training, and special board meetings, unless absolutely necessary for school purposes.
- c) I will make decisions in terms of the educational welfare of children and will seek to develop and maintain schools that meet the individual needs of all children regardless of their ability, race, creed, sex, gender identity or social standing.



- d) I will confine my board action to policy making, planning, and appraisal, and will approve policies only after the board has consulted those who will be affected by them.
- e) I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
- f) I will refuse to use the school for personal gain or for the gain of friends or family members.
- g) I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information to the school staff and community members.
- h) I will vote to approve the best qualified personnel available after consideration of the recommendation of the school superintendent.
- i) I will support and protect school personnel in proper performance of their duties.
- j) I will refer all complaints to the school superintendent for resolution.
- k) I will notify the board of any conflict of interest I have prior to the board taking action on that issue.
- l) I will abstain from decisions involving my immediate family members (spouse, parents, grandparents, siblings and their spouses, children, and grandchildren), and will not attempt to influence other board members in such decisions.
- m) If I am not able to meet my obligations as a board member, I will offer my resignation.

I understand that failure to abide by the terms of this Letter of Agreement is grounds for my removal from the school board under Education Code Section 306(b).

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Board Member

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Education Agency Director

### CERTIFICATION

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members of whom 11, constituting a quorum, were present at a meeting duly and regularly called, noticed, and held this 1st day of October, 2019, Regular Session; and that the foregoing **CRST Education Code Ordinance** was duly adopted at such meeting by a roll call vote of 10 yes, 1 no, 0 abstaining, and 4 absent.

\_\_\_\_\_  
Ev Ann White Feather, Secretary  
Cheyenne River Sioux Tribe