



RESOLUTION NO. #96-0107-03

LITTLE RIVER BAND OF OTTAWA INDIANS
INDIAN EDUCATION COMMITTEE BY-LAWS

ARTICLE I Name of the Committee

Little River Band Indian Education Committee

ARTICLE II Purpose of the Committee

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

- Section 1. To promote the welfare of Indian children and youth in home, school, community and tribe.
- Section 2. To raise the standards of school achievement and participation in school activities of Indian children.
- Section 3. To bring into closer relationship the home and the school so that parents and teachers and tribal members may cooperate to further the education of Indian children and youth.

ARTICLE III Membership

Section 1. Establishment of the Indian Education Committee

- A) Section 273.15(a) of the federal regulations applicable to education contracts under the Johnson-O'Malley Act, requires the Tribal Council to specify the entity which will serve as the Tribe's Indian Education Committee for purposes of

administering contracts under the Johnson-O'Malley Act.

- B) The Tribal Council hereby designates the Little River Band of Ottawa Education Committee, which was originally established pursuant to section §305(b)(2)(B)(ii) of the Act of January 23, 1972, (86 Stat. 235) as the Indian Education Committee pursuant to 25 CFR §273.15(a).
- C) The initial Indian Education Committee shall be composed of the 5 current members of the Tribe's Education Committee, who shall serve as the Committee for period of two (2) years commencing the date these By-laws are enacted.

Section 2. Appointment of Members

- A) New members shall be nominated by parents of eligible Indian students enrolled in the school(s) affected by a Johnson-O'Malley contract at an open meeting of the Education Committee prior to expiration of the terms of the current member's terms.
- B) Nominations for new members shall be taken to the Tribal Council at a regularly scheduled meeting.
- C) Members will be appointed by a vote of the Tribal Council.
- D) Membership in the Indian Education Committee cannot be transferred.

Section 4. Voting Rights

- A) Each member shall have one vote in any matter submitted to the Education Committee for a general vote.
- B) Proxy voting and absentee balloting shall not be permitted.
- C) A member may abstain from voting on any matter.

Section 5. Termination of Membership

- A) Any member may resign by giving a written resignation to the Education Committee.

- B) A member shall be automatically removed from membership in the Indian Education Committee for the following reasons:
- 1) The member does not attend any regular or special meetings of the committee for 3 consecutive meetings.
 - 2) The child of the member is no longer enrolled in a school district affected by a Johnson-O'Malley contract.

Section 6. Vacancies

- A) A vacancy can be filled by a Tribal Council vote from persons nominated by parents of eligible Indian students enrolled in the school(s) affected by a Johnson-O'Malley contract.
- B) The new member will only serve the remaining time of the vacancy.

Section 7. Powers and Duties. The Indian Education Committee shall be vested with full authority to:

- A) Recommend curriculum, including texts, materials, and teaching methods to be used in the contracted program(s) by the affected school district.
- B) Recommend budget preparation and execution of Tribal education programs.
- C) Interview and recommend Tribal Education Department staff to be hired by the Tribe. Nominate a reasonable number of qualified prospective staff members from which school would be required to select. (by-laws should indicate the number of qualified applicants to be nominated)
- D) Evaluate job positions and program results and make recommendations to the school.
- E) Secure (obtain) a copy of the sub-contract (application).
- F) Recommend cancellation or suspension of approved program if school fails to permit committee to exercise powers and duties.
- G) Participate in negotiations concerning all contracts under this part.

- H) Make an annual assessment of the learning needs of Indian children in the community affected.
- I) Have access to all reports, evaluations, surveys and other program and budget related documents determined necessary by the Committee to carry out its responsibilities, subject only to the provisions of 273.49.
- J) Request periodic reports and evaluations regarding the Indian Education Program.
- K) Hear grievances related to programs in the educational plan.
- L) Meet regularly with the professional staff serving Indian children and with the local education agency.
- M) Hold committee meetings on a regular basis which are open to the public.

ARTICLE IV Officers

The offices of the Indian Education Committee shall be a chairperson, vice-chairperson, and secretary. Other officers may be appointed as the committee elects.

Section 1. Election and Term of Office

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

Section 2. Vacancy

A vacancy in among any of the three offices of the Indian Education Committee may be filled with a majority vote of the Committee at a general meeting. The newly elected officer shall serve only for the unexpired portion of the term of the vacant office.

Section 3. Removal

Any officer may be removed by a majority vote of the committee whenever it is in the best interest of the committee.

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Section 4. Duties of the Officer

No officer or member of the committee will be authorized to sign or otherwise execute any legal or contractual documents in the name of the Tribe.

A) Chairperson

The Chairperson shall perform all duties incidental to the office of Chairperson and such other duties as may be prescribed by the Indian Education Committee and the Tribal Council from time to time. Specific duties are to preside over all general committee meetings and sign all letters, reports and other committee papers as required.

B) Vice-Chairperson

The Vice-Chairperson will assume the role of the Chairperson in his/her absence. Other duties of the Vice-Chairperson are: ensure that membership on the Indian Education Committee is consistent with federal guidelines and arrange for speakers and special programs. He or she shall perform such other duties as may be prescribed by the committee from time to time.

C) Secretary

The secretary shall keep the minutes of the meetings, regular, special and emergency and shall provide minutes to the committee, Tribal Council, Tribal Manager, and to such other persons the committee may indicate. He or she shall see that all notices are given in accordance with the provisions of these by-laws, be custodian of the committees records, keep a list of the address and telephone numbers of each committee member. The secretary shall perform other such duties as prescribed by the Indian Education Committee from time to time.

ARTICLE V Meetings

The Indian Education Committee shall meet not less than 4 times a year and on the call of the chairperson. A majority of the members present at any meeting may adjourn the meeting.

Section 1. Regular Meetings

- A) The date and time of regular meetings will be decided by a majority vote at the first

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organizational meeting of each year.

- B) Notice of regular meetings shall be in writing and shall state the date, hour, and location of the meeting.
- C) Notices shall be mailed to each member not less than 5 days before the date of each meeting.
- D) A copy of the agenda and minutes shall be enclosed with the notice.
- E) All regular meetings shall be open to the public in compliance with the Open Meeting Act.

Section 2 Quorum

The presence of a simple majority of the committee shall be required to constitute a quorum necessary for the transaction of the business of the Indian Education Committee. No decision of the committee shall be valid unless there is a majority vote of the members constituting a quorum.

Section 3 Agenda

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

Section 4 Special Meetings

Special meetings may be called by the Chairperson or by a majority vote of the committee. All members shall be notified by telephone if necessary.

ARTICLE VI Parliamentary Authority

The Little River Band Indian Education Committee will be ruled by Robert's Rules of Order Newly Revised.

ARTICLE VII Amending the By-Laws

These by-laws may be amended at any regular meeting by a majority vote of the members of the Tribal Council in attendance, provided that the amendment is to carry out the purpose and objectives of the Indian Education Committee as expressed above. Any amendment must conform to the Rules and Regulations of the Federal Register, Code of Federal Regulations 25, and Tribal Ordinance. The Indian Education Committee may recommend by-law amendments to the Tribal Council.

ARTICLE VIII Ratification

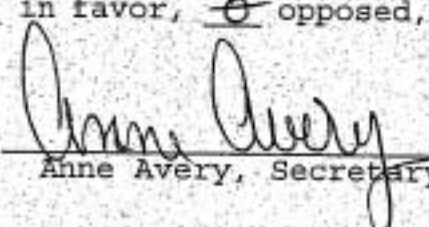
These by-laws shall be declared adopted by the Little River Band Education Tribal Council when passed by majority of the Council, at a general meeting of the Council.

Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its regular meeting held on January 7, 1996 by a vote of 6 in favor, 0 opposed, 1 absent, and 0 abstentions.

Date:

01-07-96


Anne Avery, Secretary

APPENDIX
GRIEVANCE PROCEDURES

PURPOSE: The primary purpose of this procedure is to provide Indian students, parents of students, Tribal community members and tribal representatives with a process by which complaints or concerns regarding the planning, funding and implementation of programs funded under the Johnson-O'Malley Act and to secure equitable solutions to complaints or concern.

DEFINITIONS: "Community member" means a person who is a member of the Little River Band of Ottawa Indians.

"Education plan" means a comprehensive plan for the programmatic and fiscal services of and accountability by a contractor receiving Johnson-O'Malley funds for the education of eligible Indian students.

"Eligible Indian student" means an Indian child between age 3 years through grade 12, who is a duly enrolled member of the Little River Band of Ottawa Indians possessing 1/4 or more degree Indian blood.

"Grievance" shall mean any concern or complaint filed by an Indian student, parent, community member and tribal representative relating to the programs funded under Johnson-O'Malley."

"Parent" means the biological or adoptive parent of an eligible Indian child, or a person acting in loco parentis of an eligible Indian child. The term "parent" does not include school

administrators or officials of schools receiving Johnson-O'Malley funds.

Grievance procedures for complaints from Indian students, parents, community members and tribal representatives relating to program(s) contracted under Johnson-O'Malley shall be as follows:

1. The complainant shall submit his/her grievance in writing to the local Indian Education Committee for investigative review and action.
 - A) Upon receipt of a written complaint, the Indian Education Committee shall, within fifteen (15) working days, make an investigation, document and submit its findings to the complainant.
 - B) If the complaint cannot be resolved by the Indian Education Committee to the satisfaction of the complainant, the committee shall forward the complaint with all investigative documents, findings and/or recommendation to a JOM Field Specialist.
2. The JOM Field Specialist shall proceed as follows:
 - A) Schedule a meeting with the local Indian Education Committee Chairperson to be held within ten (10) working days after a complaint has been received.
 - 1) A grievance committee consisting of a JOM staff member, committee member and a local

school administrator will review the complaint, investigative document(s), findings and/or recommendations.

- 2) Every effort will be made by this committee to resolve the complaint.
 - B) Within ten (10) working days of this meeting, the JOM Field Specialist will contact the complainant to get out the committee's disposition to see if it resolves the complaint.
 - C) If the complainant is not satisfied, the Field Specialist will forward the complaint with all investigative documents, findings and/or recommendations to the Manager or Director of the Johnson O'Malley Program for review and action.
3. The findings of the Director shall be final.