

**TITLE 16
EDUCATION & CULTURE**

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Chapter 1 - Intent to Establish Tribal School; Financing

§ 101 - Intent to Establish Tribal School; Financing

- (a) The Tribe proposes to undertake the School described on Exhibit A attached hereto. The maximum principal amount of debt expected to be incurred for each element of the School is set forth opposite the description thereof on Exhibit A.
- (b) The Tribe intends to reimburse itself for the payment of all or a portion of the costs of the School with proceeds of debt to be incurred by the Tribe.

History: Tribal Act #96-14.360, enacted by Tribal Council in special session on May 8, 1996.

Chapter 2 – GTB Tribal School Code

§ 201 - Board of Education

A school board may be authorized by the Grand Traverse Band of Ottawa and Chippewa Indians (the “GTB”) consistent with the terms and provisions of this Code.

- (a) The GTB tribal school to be known as Waabno Gimaak is hereby chartered and authorized as an independent entity of the GTB with those powers expressly delegated by the GTB Tribal Council pursuant to the Tribal Council’s legislative authority.
- (b) The school board shall be a seven (7) member board. The school board shall elect a treasurer and secretary by a majority vote, while the Tribal Councilor member of the board shall serve as chairperson. Each board member shall have one vote at regular and special meetings with the exception of the chairperson, who shall only vote to break a tie.
- (c) Meetings shall be conducted in accord with Robert’s Rules of Order as a guide.
- (d) The GTB Tribal Council shall appoint the school board.
- (e) Eligibility for appointment.

- (1) All school board members must be Tribal members who reside within the six county service area of the Grand Traverse Band of Ottawa and Chippewa Indians, or parents of children enrolled in Waabno Gimaak.
 - (2) All school board members must be able to pass the character investigation pursuant to 25 U.S.C.A. § 3201 *et seq.*
 - (3) All Tribal members desiring appointment must present five (5) letters of recommendation to the GTB Tribal Council from persons who are not within a first degree of blood relationship. Letters of recommendation from non-Tribal members are acceptable.
- (f) The term of office for each school board member who is not an officer shall be two (2) years. The term of office for officers shall be three (3) years.
 - (g) Any school board member may be removed from office for just cause as determined by the Tribal Judiciary based on a referral by five (5) school board members.
 - (h) In the event that a school board member resigns or is removed as a school board member or is otherwise unable to complete their term as a school board member the vacancy shall be filled by appointment by the GTB Tribal Council.
 - (i) The Waabno Gimaak shall adopt a set of Bylaws before May 1, 1997, consistent with this Code. Said Bylaws shall be ratified by the GTB Tribal Council.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 202 - Related Federal Law

- (a) The GTB authorized school board shall, to the extent permitted by federal law, and to the extent necessary, comply with applicable federal law relating to Indian education. Such laws shall principally include, but are not limited to, the following:
 - (1) United States Code Annotated
 - (A) Contracts for education in public schools, see 25 U.S.C.A. § 455;
 - (B) Education of Indians, see 25 U.S.C.A. § 271 *et seq.*;
 - (C) Education programs of Bureau of Indian Affairs, see 25 U.S.C.A. § 2001 *et seq.*;
 - (D) Indian education programs, see 25 U.S.C.A. § 2601 *et seq.*;
 - (E) Indian higher education programs, see 25 U.S.C.A. § 3301 *et seq.*;
 - (F) Tribally controlled school grants, see 25 U.S.C.A. § 2501 *et seq.*;

- (G) Vocational education, see 25 U.S.C.A. § 309 *et seq.*; and
 - (H) Indian child protection, see 25 U.S.C.A. § 3201.
- (2) Code of Federal Regulations
- (A) Education contracts under Johnson-O'Malley Act, see 25 CFR 273.1;
 - (B) Higher education, administration of loans, grants and other assistance, see 25 CFR 40.1 *et seq.*;
 - (C) Indian education policies, see 25 CFR 32.1 *et seq.*;
 - (D) Indian school equalization program, see 25 CFR 39.1 *et seq.*;
 - (E) Minimum academic standards for education of Indian children, see 25 CFR 36.1 *et seq.*;
 - (F) Special education, see 25 CFR 45.1;
 - (G) Student records, maintenance and control, see 25 CFR 43.1 *et seq.*;
 - (H) Student rights and due process procedures, see 25 CFR 42.1 *et seq.*;
 - (I) Transfer of Indian education functions, see 25 CFR 33.1 *et seq.*; and
 - (J) Vocational training program for adult Indians, see 25 CFR 27.1 *et seq.*

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 203 - Related State of Michigan Law

The Revised School Code of the State of Michigan shall not apply to the GTB. However, to the extent the GTB Tribal Council, or any school board established pursuant to this Code, elects to seek "charter school status" under MCL 380.501 *et seq.*, then to the extent that the application of Michigan law is necessary to comply with charter school status, the Tribal Council shall authorize the application of the relevant Michigan law under the Revised School Code of Michigan or other applicable public acts of the State of Michigan.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 204 - Board of Education; Powers and Duties Generally

- (a) The business which the school board is authorized to perform shall be conducted as a public meeting. An act of the school board shall not be valid unless voted at a meeting by a majority vote of the members serving on the school board and a proper record made of the vote.
- (b) The school board may hold closed sessions only for personnel or legal matters.
- (c) A meeting at which all members are present and for which proper notice is given to the public shall be considered a legal meeting for the transaction of business.
- (d) Public notice of the time, date and place of the meeting shall be given, consistent with the Tribal posting requirements established in Article III, Section 5, of the Tribal Constitution.
- (e) The secretary of the school board shall sign minutes of each meeting. In the absence of a secretary the chair shall appoint a temporary secretary who shall sign the minutes.
- (f) The school board shall maintain records of the proceedings of the school board, the amounts of the treasury, and the business of the school board in an orderly manner.
- (g) The school board shall prepare and submit to the Tribal Council not later than September 1st of each year an annual education report. The annual education report shall include, but is not limited to, all of the following information for the school:
 - (1) The accreditation status of the school;
 - (2) The status of school improvement plans;
 - (3) A copy of the core academic curriculum and a description of its implementation;
 - (4) A report for the school of aggregate student achievement based upon the results of any locally-administered student competency tests;
 - (5) For the year in which the report is filed and the previous school year, the pupil retention rate;
 - (6) The number and percentage of parents, legal guardians, or persons *in loco parentis* with pupils enrolled in the school who participate in parent-teacher conferences for pupils;
 - (7) The annual financial data of the school; and
 - (8) The student-to-teacher ratios.
- (h) The school board shall have power to establish educational policy for the benefit of all students who are enrolled in Waabno Gimaak only.

- (i) The school board shall prepare a uniform system of records for the GTB tribal school and require written reports from the administrator on any educational subject of value to the GTB.
- (j) The school board shall have general supervision over Waabno Gimaak-related facilities and shall promulgate policy for:
 - (1) The establishment of curriculum;
 - (2) Approval of requests for any educational, scientific research;
 - (3) The establishment of minimum criteria for passage to succeeding grades and graduation;
 - (4) The establishment of policy governing appropriate student conduct and disciplinary procedures;
 - (5) The establishment of policy to license through certification any and all teachers and any alternative schools which service Indian children within the jurisdiction of the GTB;
 - (6) The preparation and authorization of educational grants and contracts;
 - (7) The employment and termination of employees or the regulation of the behavior of said employees through authorized personnel policies;
 - (8) The implementation of rules and regulations for any Waabno Gimaak education-related subject-matter statute; and
 - (9) Promulgation of any policy, rule or regulations consistent with their statutory authority.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 205 - Employment of School Administrator; Other Personnel; Notification of Contract Non-Renewal; Meeting With Board

- (a) The school board shall employ a school administrator who shall meet guidelines established by the school board. Such guidelines shall include relevant academic degrees and experience consistent with sound administration of a school district.
 - (1) The school administrator will be under the direct supervision of the school board.
 - (2) Failure to adhere to school board directives or requests for information shall be prima facie grounds for termination or non-renewal of the school administrator's contract.

- (3) The school board shall direct the school administrator to complete those tasks identified herein as the responsibility of the school board.
 - (4) It is recognized that the school board positions are not full-time positions and that the majority of the administrative work of the school board must be completed by the school administrators and his or her staff.
- (b) The superintendent, principal, school administrator, assistant school administrator, and secretary of the school shall not be a member of the school board.
- (1) Employment of an administrator shall be by written contract.
 - (2) The term of the administrator's contract shall be fixed by the school board, not to exceed two (2) years.
 - (3) If written notice of the non-renewal of the contract is not given at least thirty (30) days after the termination of the contract, the contract is renewed for an additional one (1) year period.
- (c) The school board may employ assistant administrators, guidance directors, and other administrators.
- (1) The employment shall be by written contract.
 - (2) The term of the employment contract shall be fixed by the school board, not to exceed one (1) year.
 - (3) If written notice of non-renewal of the contract of a person described in this section is not given at least thirty (30) days before the termination date of the contract, the contract is renewed for an additional year.
 - (4) A notification of non-renewal of the contract of a person described in this section shall only be given for a reason that is not arbitrary and capricious.
 - (A) The school board shall not issue a notice of non-renewal under this section unless the affected person has been provided with not less than thirty (30) days advance notice that the school board is considering the non-renewal together with a written statement of the reasons.
 - (B) After issuance of the written statement, but before the non-renewal statement is issued, the affected person shall be given the opportunity to meet with not less than a majority of the school board to discuss the reasons stated in the written statement.
- (d) The school board shall develop appropriate procedures to review and terminate for cause all employees employed under § 205.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 206 - Employment of Teachers, School Administrator, Substitute Teacher; Employment as Conditional Employee; Conditions; Voiding and Terminating Employment

- (a) All employment and volunteer positions are dependent on the prospective employee or volunteer applicants passing a criminal history check with the tribal, state and federal police.
 - (1) Within thirty (30) days of receiving a request from the school administrator, the GTB Tribal Police shall complete a character investigation of the prospective employee consistent with 25 U.S.C.A. § 3207 or consistent, where applicable with the procedures identified at MCL 380.1230(a), with the Revised Schools Code of the State of Michigan.
 - (2) All applicants for positions, including volunteer positions, with the GTB tribal school shall be required to submit his or her fingerprints to the GTB Tribal Police for the purpose of the background character investigation.
- (b) The results of a criminal records check under this section shall only be used for the purpose of evaluating an individual's qualifications for employment in the position for which he or she has applied. A member of the school board shall not disclose those results, except any felony conviction or a misdemeanor conviction involving sexual or physical abuse, to any person who is not directly involved in evaluating the individual's qualifications for employment.
- (c) The school board shall hire and contract with qualified teachers.
 - (1) Contracts with teachers shall be in writing and signed by a majority of the school board on behalf of the school board.
 - (2) The contract shall specify the wages agreed upon.
 - (3) The general Personnel Policies of the GTB shall not apply to the relationship between the school board and the employees.
- (d) The school board shall develop additional policies on compensation, rights, privileges, leave, and other personnel matters consistent with applicable federal or state law.
- (e) The school board shall develop an appropriate procedure to review and terminate for cause all contract or non-contract permanent or part-time positions.
- (f) The school board shall develop policies for compensation consistent with Indian education standards.
- (g) No permanent or part-time positions shall be created without the express consent of the school board.

History: Tribal School Code, adopted by Tribal Council in Special Session on March 6, 1997; as amended by Tribal Council on September 23, 1997; as amended by Tribal Act #02-20.1115, enacted by Tribal Council on May 29, 2002.

§ 207 - Procurement of Supplies, Materials, Equipment; Written Policies; Competitive Bids

- (a) The school board shall adopt written policies governing the procurement of supplies, materials and equipment.
- (b) The school administrator shall not purchase an item or a group of items in a single transaction costing five thousand dollars (\$5,000.00) or more unless competitive bids are obtained for those items and the purchase of those items is approved by the school board. The school administrator must follow the GTB Bidding Code [2 GTBC Chapter 2] in the absence of specific federal or state controlling law.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 208 - School Buildings; Construction, Addition, Repair, or Renovation; Competitive Bids

- (a) Before commencing construction of a new school building, or addition to or repair or renovation of an existing school building, except repair in emergency situations, the school board shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building.
- (b) The school board or board of directors shall advertise for the bids required under subsection (a) above once each week for two (2) successive weeks in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place. The advertisement for bids shall do all of the following:
 - (1) Specify the date and time by which all bids must be received by the school board or board of directors;
 - (2) State that the school board or board of directors will not consider or accept a bid received by the school board or board of directors after the date and time specified for bid submission;
 - (3) Identify the time, date, and place of a public meeting at which the school board or board of directors or its designee will open and read aloud each bid received by the school board or board of directors by the date and time specified in subsection (b)(1) above.
- (c) The school board or board of directors shall require each bidder for a contract under this section to file with the school board or board of directors security in an amount not less than one-twentieth (1/20) of the amount of the bid conditioned to secure the GTB tribal school from loss or damage by reason of the withdrawal of the bid or by the failure of the

bidder to enter a contract for performance, if the bid is accepted by the school board or board of directors.

- (d) The school board or board of directors shall not open, consider, or accept a bid that the school board or board of directors receives after the date and time specified for bid submission in the advertisement for bids described in subsection (b) above.
- (e) This section does not apply to buildings, renovations, or repairs costing less than five thousand dollars (\$5,000.00).

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 209 - Length of School Term; Determination; Minimum Number of Days and Hours; Increase in Number of Days and Hours Not Required

The school board shall determine the length of the school term.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 210 - Accreditation

- (a) “Accredited” means certified by the state Board of Education as having met or exceeded state board-approved standards established for six (6) areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.
- (b) The standards for accreditation or summary accreditation under this section shall include pupil performance on Michigan Education Assessment Program (“MEAP”) tests as a criterion, but shall not be based solely on pupil performance on MEAP tests. The standards shall also include multiple year change in pupil performance on those tests as a criterion.
- (c) If the GTB tribal school has been unaccredited for three (3) consecutive years, it is subject to one or more of the following measures, as determined by the GTB Tribal Council:
 - (1) The GTB Tribal Council shall appoint an administrator of the GTB Tribal school until the school becomes accredited;
 - (2) The GTB Tribal school, with the approval of the GTB Tribal Council, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the GTB Tribal school with a college or university located in this state; and/or

- (3) The GTB Tribal school shall be closed.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 211 - Core Academic Curriculum

- (a) In addition to the requirements for accreditation under § 210 above, the school board shall provide to all pupils attending the GTB tribal school a core academic curriculum.
- (b) The school board shall establish a core academic curriculum for its pupils at the elementary, middle, and secondary school levels. The core academic curriculum shall define academic objectives to be achieved by all pupils and shall be based upon the GTB tribal school's educational mission, long-range pupil goals, and pupil performance objectives.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 212 - Suspension or Expulsion of Pupils

- (a) The school board or another school official, if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order.
- (b) The parent or legal guardian of an individual expelled may petition the expelling school board for reinstatement of the individual to the GTB Tribal School.
- (1) Not later than ten (10) school days after receiving a petition for reinstatement under this subsection, the school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual.
- (A) The committee shall consist of two (2) school board members, one (1) school administrator, one (1) teacher, and one (1) parent of a pupil in the GTB tribal school.
- (B) During this time the administrator may prepare and submit, for consideration by the committee, information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.
- (2) Not later than ten (10) school days after all members are appointed, the committee shall review the petition and any supporting information and information provided by the school and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an

explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

- (A) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.
 - (B) The extent to which reinstatement of the individual would create a risk of GTB Tribal school or individual liability for the school board or school personnel.
 - (C) The age and maturity of the individual.
 - (D) The individual's school record before the incident that caused the expulsion.
 - (E) The individual's attitude concerning the incident that caused the expulsion.
 - (F) The individual's behavior since the expulsion and the prospects for remediation of the individual.
 - (G) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.
- (3) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee the school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 213 - Corporal Punishment

- (a) "Corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.
- (b) Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.
- (c) A person employed by or engaged as a volunteer or contractor by the school board shall not inflict or cause to be inflicted corporal punishment upon any pupil under any circumstances.
- (d) A person employed by or engaged as a volunteer or contractor by the school board may use reasonable physical force upon a pupil as necessary to maintain order and control in a

school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary as follows:

- (1) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school functions within the school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts;
 - (2) For self-defense or the defense of another;
 - (3) To prevent a pupil from inflicting harm on himself or herself;
 - (4) To quell a disturbance that threatens physical injury to any person;
 - (5) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil; and
 - (6) To protect property.
- (e) A person employed by or engaged as a volunteer or contractor by the school board who exercises necessary reasonable physical force upon a pupil, or upon another person of school age in a school-related setting is not liable in a civil action for damages arising from the use of that physical force. An incident report shall be filed within two (2) days of the incident with the school board.
- (f) The school administrator shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 214 - Compulsory Attendance; Enrollment Dates; Exceptions

- (a) Every parent, guardian, or other person in this school having control and charge of a child from the age of six (6) to the child's sixteenth birthday shall send that child to a school during the entire school year.
- (b) The child's attendance shall be continuous and consecutive for the school year fixed by the school in which the child is enrolled.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.

§ 215 - School Funding; General Appropriation; Annual Audit

- (a) The GTB Tribal Administration Accounting Department shall retain financial responsibility for the general books of account for all Waabno Gimaak-related funds of the Waabno Gimaak school. The federal Office of Management and Budget (OMB) Guidelines A-102 and A-87 shall apply to school expenditures.
- (b) The GTB Tribal Council shall retain appropriation authority over all Waabno Gimaak-related funds. No later than February 1st of each fiscal year the school board shall forward to the Tribal Chair who shall forward to the Tribal OMB under the GTB Appropriations Act all appropriation requests for the succeeding school year and for the fiscal year.
- (c) The GTB Tribal Council may implement further legislation or may authorize further loans to the school for capital improvements if such loans are recognized as “essential government functions” under the Tribal Tax Status Act by the U.S. Department of Treasury and the debt service revenue stream is recognized to be a federal revenue stream such as a BIA grant or federal or state related education payment.
- (d) The Tribal Council may authorize, if necessary, a GTB property tax funding mechanism or a tuition based funding mechanism for the cost of operation of the school. All property taxes or tuition payments under this section must be approved by the registered voters of the Grand Traverse Band of Ottawa and Chippewa Indians.
- (e) The school board shall recommend, and the Tribal Council shall authorize, an auditing firm to conduct an audit of the school’s financial data on an annual basis. Said annual audit shall be submitted to the Tribal Council by May 1st of each fiscal year.
- (f) Pursuant to the authority of the GTB Legislative Procedures Act, 1 GTBC § 108(a), the Tribal Council authorizes immediate implementation of this GTB Tribal School Code.

History: Tribal School Code, adopted by Tribal Council in special session on March 6, 1997, as amended by Tribal Council on September 23, 1997.