

SKOKOMISH EDUCATION ORDINANCE

Adopted by Resolution No. 96-65 (September 25, 1996)

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General Provisions

2.02.001 Title

This Ordinance shall be known as the Skokomish Education Ordinance.

2.02.002 Authority and Declaration of Policy

Education of Skokomish Tribal members is vital to the cultural and economic existence of the Skokomish Indian Tribe. This Skokomish Education Ordinance is enacted pursuant to the inherent sovereign authority of the Skokomish Indian Tribe in accordance with the Treaty of Point No Point, the Constitution of the Skokomish Indian Tribe and applicable federal law. By this Ordinance and the regulations adopted under it, the Skokomish Indian Tribe intends to ensure that the education of Skokomish Tribal members is a quality education: effective in preparing tribal members for their futures; appropriate to the unique needs of tribal members; and relevant to the heritage of the Skokomish Indian Tribe.

2.02.003 Jurisdiction

The provisions of this Ordinance shall apply to the fullest extent of the sovereign jurisdiction of the

Skokomish Indian Tribe authorized by the Constitution of the Skokomish Indian Tribe, the Treaty of Point No Point and applicable federal law. The provisions of this Ordinance shall apply to and be in conformity with all agreements and other cooperative arrangements entered into by the Skokomish Indian Tribe designed to ensure a quality education to Skokomish Tribal members. The provisions of this Ordinance shall apply to all persons who are eligible to receive educational services and benefits from the Skokomish Indian Tribe.

2.02.004 Liberal Construction

This Ordinance shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

2.02.005 Severability

If any provision of this Ordinance, or its application to any person legal entity or circumstance, is held invalid, the remainder of the Ordinance, or the application of the provision to other persons, legal entities, or circumstances, shall not be effected.

Education Committee

2.02.010 Role of the Education Committee

(a) Education Committee Established. There is hereby established the Skokomish Education Committee (hereinafter "Education Committee").

(b) Role of the Education Committee. The Education Committee shall act in an advisory capacity to the Tribal Council and shall have the authority to:

- (1) Examine education issues, gather facts and establish the necessary comprehensive planning process which shall coordinate resources on the Skokomish Indian Reservation to monitor, improve and create education systems for the benefit of Skokomish Tribal members; and
- (2) Recommend a comprehensive planning process for education systems to the Tribal Council; and
- (3) Regulate all aspects of education to ensure that Skokomish Tribal members receive a quality education: effective in preparing tribal members for their futures; appropriate to the unique needs of tribal members; and relevant to the heritage of the Skokomish Indian Tribe.

2.02.011 Education Committee Membership and Officers

(a) Composition and Appointment. There shall be six (6) members of the Education Committee selected as follows:

- (1) The Tribal Council shall appoint three (3) enrolled Skokomish Tribal members to the Education Committee;

(2) The Tribal Council shall appoint one (1) Tribal Council member (or a designee) to the Education Committee;

(3) The four (4) appointed Education Committee members shall by consensus select one (1) tribal community member, who may or may not be an enrolled tribal member, to the Education Committee; and

(4) The Education Director shall be a permanent member of the Education Committee.

(b) Officers.

(1) The Education Committee shall select by consensus the following officers:

- (A) Chairperson;
- (B) Vice-Chairperson; and
- (C) Recording Secretary.

(2) The selection of officers shall be held at the first meeting of the Education Committee following the beginning of each fiscal year (October 1).

(3) The Education Director shall not be an officer.

2.02.012 Vacancy, Removal and Resignation

(a) Vacancy. The Tribal Council may, on its own or at the request of the Education Committee, declare a position on the Education Committee to be vacant if an Education Committee member is unwilling or unable to fulfill their duties, provided:

(1) The Tribal Council appoints a member to fill the vacant position and to serve the remainder of the unexpired term, except in the case of the vacancy of the community member position which is to be selected by the four appointed members of the Education Committee; and

(2) Notice of any proposed removal pursuant to sub-section (b) below must be in writing, state the reason for the proposed removal and be delivered to the member at least 14 days prior to the review by Tribal Council.

(b) Removal. The Education Committee shall submit to the Tribal Council a “Notice of Proposed Removal and Declaration of Vacancy” for review pursuant to subsection (a) above to request that a member of the Education Committee may be removed for the following reasons:

(1) For failure to attend two consecutive meetings without prior notice to the Education Committee stating the reason for their absence; and

(2) For cause by a unanimous vote of the remaining members (*e.g.* breach of confidence).

(c) Resignation. A member of the Education Committee may resign the position. Such

resignation must be in writing and submitted to the Education Committee and the Tribal Council.

2.02.013 Meetings and Voting

(a) Meetings.

- (1) The Education Committee shall schedule regular monthly meetings.
- (2) Special meetings may be called by the Chairperson, or by a majority of the members of the Education Committee upon two days written notice to each member, stating the place, day and hour of the meeting and the specific purpose(s) for which the special meeting was called.
- (3) For the purpose of conducting business, a quorum of four (4) members shall be required for any regular or special meeting.

(b) Voting. Each member of the Education Committee shall have one vote on matters requiring a vote by the members, except that the Education Director shall only vote in the case of a tie. Education Committee decisions shall be by simple majority vote of the members present.

2.02.014 Compensation and Reimbursement

The Education Committee members shall receive no compensation for their services; however, pursuant to tribal reimbursement policies, reimbursement for travel, meals, etc. may be paid to Education Committee members from education funds.

Operation of Tribal Education Programs

2.02.020 Duties of the Education Director and Education Committee

(a) Duties of the Education Director. In addition to other duties assigned by the Tribal Council, the Tribal Manager, or the Education Committee, the Education Director shall:

- (1) Identify and contact key individuals who will supply education information to the Education Committee;
- (2) Identify and review education issues for the Education Committee;
- (3) Serve as a sounding board for Education Committee issues and ideas;
- (4) Conduct and compile tribal education needs assessment using education reports and data from schools, other education programs and entities, and surveys of parents, community members, Tribal Council members, and educators.

(b) Duties of the Education Committee. The Education Committee shall have the following duties:

- (1) Review Tribal Council priorities with key contact individuals and community members and gain their views and insights;
- (2) Draft tribal education goals based on the priorities, review draft goals with the Tribal Council, explain the impact of the goals on current tribal and non-tribal schools and education programs, and gain approval or revision and approval of the goals from Tribal Council;
- (3) Develop materials to use in explaining tribal education goals and priorities to schools, education programs, and state and federal agencies;
- (4) Meet with school boards, governing bodies of other education programs and entities, and state and federal education agencies to:
 - (A) Explain and discuss tribal education priorities and goals;
 - (B) Determine how these tribal education priorities and goals support or conflict with existing situations in schools and programs or their rules and policies; and
 - (C) Begin developing options for cooperative efforts between the Tribe and non-tribal programs and agencies tied to increasing education achievement by and success of tribal students.
- (5) Keep the Tribal Council informed of tribal and non-tribal reaction to implementing the tribal education goals and to addressing the Tribal Council's education priorities; identify and develop strategies for overcoming any obstacles;
- (6) Monitor tribal education problems and progress; develop any needed revisions in program objectives and plans; implement the revisions as appropriate;
- (7) Meet with non-education tribal programs such as law enforcement, tribal court, and social services to:
 - (i) Discuss need for assisting schools in addressing tribal education needs and problems; and
 - (ii) Develop strategies and plans for coordinating tribal resources on addressing the needs and problems (*e.g.* truancy, child welfare, *etc.*).
- (8) Work in cooperation with the Cultural Committee to identify and gather materials on tribal history, language, culture, and values to:
 - (A) Meet with educators and school officials to review the materials and discuss the value of using them in schools and education programs; and
 - (B) Jointly develop strategies and plans for integrating them into formal education processes in classes and through teacher training.

2.02.021

Relationship of the Education Committee to the Tribal Council

(a) Communication. The line of communication between the Tribal Council and the Education Committee shall be through the Chairperson of the Education Committee.

(b) Council Approval. Except as otherwise provided in this Ordinance, a decision of the Education Committee shall be final only upon Tribal Council approval.

(c) Reports to Council. The Education Committee shall make written quarterly reports to the Tribal Council of its recommendations, actions and decisions. The Education Committee shall meet with the Tribal Council each quarter to review progress and problems, and to plan the priorities for each quarter and each year.

Policies and Procedures

2.02.030 General Policies and Procedures

(a) Expenditures - Committee Action Required. No member of the Education Committee shall be authorized to expend funds, commit any funds, or take action with respect to any matter, whether or not formally brought to the Education Committee for resolution, without prior authorization of the Education Committee.

(b) Liability of Committee Members. No individual Education Committee member shall be held liable for any action taken by the Education Committee. The Education Committee shall be considered an agency of the Skokomish Indian Tribe.

(c) Additional Policies and Procedures. Except as already provided for within this Ordinance, the Education Committee may establish additional Education Committee Policies and Procedures to fulfill its duties for review and approval by the Tribal Council. The Education Committee may assist the Education Director in the formulation of Education Program Policies and Procedures.

(d) Review. The Education Committee shall annually review the Education Committee Policies and Procedures and the Education Program Policies and Procedures.

2.02.031 Process for Complaint and Appeals

(a) Written Notice of Complaint. Any person who, as an applicant or grantee of any education program administered through the Skokomish Education Department, is aggrieved by a decision of the Education Department or Education Committee may file a notice of complaint as follows:

(1) The Notice of Complaint shall be in writing, dated and signed by the aggrieved party;

(2) The Notice of Complaint shall include a concise statement of relief requested; and

(3) A copy of the Notice of Complaint shall be given to the Education Committee Chairperson and to the Education Director.

(b) Education Committee Decision. Within five (5) working days of receipt of the Notice of Complaint, the Education Committee Chairperson shall set a date for hearing before the Education Committee:

- (1) A closed hearing shall be held within 30 days of receipt of the Notice of Complaint;
- (2) At the closed hearing, the aggrieved party shall be given the opportunity to present any testimony, documents or other evidence to support the complaint; and
- (3) At the end of the closed hearing, the Education Committee shall adjourn the hearing and shall meet in closed session to render a final determination;
- (4) The Education Committee shall inform the aggrieved party of its final determination in writing within five (5) working days of the hearing.

(c) Appeal from Final Determination. Any person who is aggrieved by a final determination of the Education Committee pursuant to sub-section (b) above, may appeal the decision to the Tribal Council.

- (1) The aggrieved party shall file a written Notice of Appeal with the Tribal Council and shall be added to the agenda of the next regular Tribal Council meeting.;
- (2) The aggrieved party shall attach to the written Notice of Appeal, copies of the original Notice of Complaint and supporting documentation presented at the hearing;
- (3) Upon the filing of the Notice of Appeal, the Education Committee Chairperson shall provide any record of the hearing to the Tribal Council;
- (4) The Education Committee Chairperson, or his designee, shall attend the Tribal Council meeting at which the appeal is to be heard;
- (5) The appeal shall be heard in a closed session of the Tribal Council meeting;
- (6) The Tribal Council shall reverse a final determination of the Education Committee only upon a finding that the final determination of the Education Committee was arbitrary, capricious, or an abuse of discretion (*e.g.* unreasonable, outside their authority, *etc.*).

2.02.032 Records and Confidentiality

A complete file of original documents and related information shall be established and maintained within the Education Department regarding any action or decision by the Education Committee related to a hearing and/or appeal. All records and documents, including any evidence or information, gathered as a result of a hearing and/or appeal shall be held in confidence by the Education Committee and any related program. Any partial or full release of information to any agency or individual other than those related to the appeal shall require the appellant's written consent