



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



The Johnson O'Malley Act is the Act of April 16, 1934 (48 Stat. 596) as amended by the Act of June 4, 1936 (49 Stat. 1458, 25 U.S.C. 452-456) and further amended by the Act of January 4, 1975 (88 Stat. 2203).

PURPOSE:

The purpose of the Johnson-O'Malley (JOM) program shall be reserved to financially assist efforts designed to meet eligible students' specialized and unique educational needs. This Indian Education program would provide Indian or Native American students who are enrolled at Flagstaff Unified School District (FUSD) educational opportunities that would not otherwise exist. The JOM Indian Education program allocates funds to programs that supplement the curriculum, such as academic enrichment programs through English, Math, History, Science, tutoring, and aid in parental, and other program costs that benefit students socially, spiritually, and academically. Furthermore, JOM only provides supplemental funds that must not be considered a replacement for federal, state, or local funding sources.

FUNDING AGENCY:

The Bureau of Indian Affairs administers funds on a contract basis with the Navajo Nation Tribal Government, which, in turn, subcontracts with FUSD. Funds are allocated to the subcontractors by a formula based on the number of eligible enrolled Indian students.

STUDENT ELIGIBILITY:

Any enrolled FUSD student ages 3 years and older who is a member of a federally recognized tribe OR can verify $\frac{1}{4}$ degree blood quantum is eligible, except for those enrolled in private schools. Parents or guardians must submit an official Certificate of Indian Blood to the FUSD Indian Education Office to verify eligibility.



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



ARTICLE I: NAME OF THE INDIAN EDUCATION COMMITTEE

The name of this committee shall be the Indian Education Committee (IEC) for the Johnson-O'Malley Indian Education program in partnership with the FUSD No. 1.

ARTICLE II: PURPOSE OF THE INDIAN EDUCATION COMMITTEE

The purpose of the IEC are:

1. To plan for the development of programs designed to meet the specialized and unique educational needs of eligible Indian students.
2. To be actively involved in the implementation, monitoring and evaluation of the Johnson-O'Malley programs.

The IEC shall not bind any member of the committee and the FUSD No. 1 to any debt, liability, or obligation in the absence of an express written authorization from the party to be bound.

ARTICLE III: POWERS AND DUTIES

SECTION 1. Power and Duties

Pursuant to regulations under 25 CFR-Part 273, Subpart B, Section 273.16 Powers and Duties, the IEC.

1. Consistent with the purpose of the IEC, the committee shall be vested with the authority to:
 - a. Participate fully in the planning, development, implementation, and evaluation of all supplemental programs conducted under a contract pursuant to this part. Such participation shall include further authority to:
 - i. Recommend curricula, including texts, materials and teaching methods to be used in the subcontract contract program;
 - ii. Approve budget preparation and execution;
 - iii. Recommend criteria for employment in the program;
 - iv. Nominate a reasonable number of qualified prospective educational programmatic staff members from which the subcontractor would be required to select; and
 - v. Evaluate staff performance and program results and recommend appropriate action to the contractor.
 - b. Approve and disapprove all programs to be subcontracted under this part with the Navajo Nation. All programs subcontracted pursuant to this part shall require prior approval of the IEC (25 CFR 273.16).



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



- c. Secure a copy of the negotiated subcontract which includes the programs by the IEC.
 - d. Recommend to the Navajo Nation the cancellation or suspension of a subcontract, which contains the program(s) approved by the IEC if the contractor fails to permit such a committee to exercise its powers and duties as specified herein (25 CFR 273.16).
2. The organization papers and by-laws of the IEC may include additional powers and duties which would permit the Committee to:
- b. Participate in negotiations concerning the subcontract under this part and secure a copy of the negotiated subcontract with the Navajo Nation;
 - c. Make annual assessment of the learning needs of Indian children in the community affected to develop educational program plans;
 - d. Have access to all reports, evaluations, surveys, and other program and budget-related document determined necessary by the committee to carry out its duties and responsibilities, subject only to the provisions of Section 273.49 Freedom of Information Act;
 - e. Request periodic reports and evaluations regarding the Indian Education Program (25 CFR 273.16);
 - f. Hear grievances related to program(s) in the education plans (25 CFR 273.16);
 - g. Meet regularly with the professional staff serving Indian children and with the local education agency, tribal organization or other corporation with subcontracts with the Navajo Nation;
 - h. Hold committee meetings on a regular basis which are open to the public; and
 - i. Have such additional powers as are consistent with regulations.

The IEC shall have no power beyond those expressly set forth herein.

ARTICLE IV: MEMBERSHIP

SECTION 1. Qualifications

Pursuant to regulations under 25 CFR, Part 273, and Section 273.115 (1) "An elected Indian Education committee member shall be from among the parents (including persons 'In loco parentis' except school administrators or officials) of eligible Indian students enrolled in the local school district." The IEC shall be nominated and elected only within the boundaries of the existing school district. All IEC members shall exercise and accept full rights and obligations of membership.

The IEC members are required to have a child enrolled in FUSD No. 1 at all times. If a member's child leaves the school, that member may no longer serve on the committee effective immediately upon the child's departure.



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



JOM and FUSD personnel and their spouses are not eligible to serve as IEC members. Their role is only to recommend and advise the IEC.

Tribal or federally-funded program employee's respective Personnel office shall authorize a proper waiver to serve as an IEC member.

SECTION 2. Composition

The IEC shall consist of six (6) voting members: one (1) representing Tolani Lake; one (1) representing District 3- Cameron; one (1) representing District 5- Leupp; and three (3) members at large.

SECTION 3. Elections of members

Elections shall be held in staggered terms with three (3) seats becoming available for election or re-election in odd years and three (3) seats becoming available for election or re-election in even years. Elections are to be held in August; eligible parents may run for election and serve one term. One term is defined as four (4) years and will not exceed four years.

The IEC members shall be nominated and elected by the parents, legal guardians, or those acting in loco parentis of eligible Indian students. The nominations and election of membership shall be conducted at the end of the member's term.

Election Process:

1. Election notifications will be emailed out by the Native American Education Support Program (NAESP) program coordinator/supervisor 1 month prior to elections.
2. Elections will be held at the Native American Parents Organization (NAPO) meeting in the month of July. Time will be set aside for this process.
3. Nominations will be taken from the parents of those willing to serve on the IEC. Self-nominations are allowed.
4. Nominees will be allowed 1-3 minutes to introduce themselves to the eligible voters (i.e. parents, guardians, those acting in loco parentis) and staff.
5. Eligible voters will then write down the name of the nominee they are voting for and turn it into a designated NAESP staff member OR if meeting virtually, eligible voters will send a private message to the designated NAESP staff member.
6. The designated NAESP staff member will tally the votes and elections will be concluded.
7. Terms for the newly elected IEC members will begin at the next IEC meeting.

SECTION 4. Term of membership

Per section three, an IEC term is not to exceed four (4) years.



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



Each voting member shall serve this duration based upon demonstrated interest and concern for the well being of Indian and Native American children. Each voting member, upon term of office, shall be subject to re-election, if so desired.

SECTION 5. Voting Rights

Each active member shall be entitled to one vote and may cast that vote of each matter submitted to vote of the IEC. **Proxy voting and absentee ballots shall not be permitted.**

SECTION 6. Participation of Non-Members

The IEC shall not limit nor discourage the continuing participation of members from the surrounding communities in the planning, implementation, and evaluation of the JOM programs, except in the case of executive sessions, which will only be open to members and the program director.

SECTION 7. Termination of Membership and Removal

Membership shall automatically terminate as to any member and/or officers whose absence is deemed unexcused at all regular and special meetings for two (2) consecutive meetings. Any member and/or officer may be removed for just cause by majority vote of the IEC members.

IEC members shall no longer hold office should they cease to be a resident of the school district or other stipulations set forth in Article IV Section 1. A member may voluntarily terminate their membership at any time (see Section).

SECTION 8. Transfer of Membership

Membership on the IEC is not transferable or assignable.

SECTION 9. Resignation(s)

Any IEC member may resign by a written resignation to the IEC Chairperson or the JOM Program Coordinator/Supervisor through a verbal statement in an official IEC meeting.

SECTION 10. Vacancy

Should a vacancy occur within the membership of the IEC, that seat shall remain vacant until the next scheduled election so long as there remain, at minimum, 3 active members of the IEC. Should an officer position become vacant, that position shall be filled by succession of the remaining members.



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



ARTICLE V: OFFICERS AND MEMBERS AT LARGE

SECTION 1. Officer Elections and Term of Office

The IEC shall elect officers to serve a one (1) term of office and the term is not to exceed 2 years per term. The officers namely: Chairperson, Vice-Chairperson, and Secretary shall be elected into office at the beginning of academic school years beginning with an even number (e.g. 2024-2025). Officers may be re-elected at the end of their term.

Officer Election Process:

1. Officer elections will be held during the second IEC meeting of the school year in September.
2. IEC members will be nominated either by other members or self-nomination.
3. Three (3) separate elections will be held for three (3) officer positions.
4. IEC members will either write down the nominee they are voting for and turn it into the designated NAESP staff member OR, if meeting virtually, send the designated NAESP staff member a private message with their vote.
5. The designated NAESP staff member will tally the vote and elections will be concluded.
6. Terms of office for the newly elected or re-elected officers will begin at the next IEC meeting.

SECTION 2. Officers

The officers of the IEC shall consist of the Chairperson, Vice-Chairperson, and Secretary.

SECTION 3. Chairperson

The Chairperson shall preside at all meetings of the IEC and may sign all letters, reports and other communications as authorized by the committee. In addition, the Chairperson shall perform all duties incident to the Office of the Chairperson and such other duties, i.e. represent the IEC at various community meetings, and as may be prescribed by the IEC from time to time.

SECTION 4. Vice-Chairperson

The duties of the Vice-Chairperson shall be to represent the Chairperson in assigned duties and to substitute in the Chairpersons absence. The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson or by the IEC. It will be the Vice-Chairpersons specific duty to see that membership on the IEC is consistent with federal guidelines.



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



SECTION 5. Secretary

The Secretary shall record the minutes of all regular and special meetings of the IEC. The Secretary shall promptly transmit copies (e.g. agenda and meeting minutes) to the Chairperson, NAESP Program Coordinator/Supervisor, Superintendent's office, and other person the Committee deems advisable; keep a current membership roster with address and telephone numbers; perform all duties incident to the office of the secretary and other duties as may be assigned by the Chairperson or the IEC.

SECTION 6. Members At-Large

Members At-Large shall be present at all monthly meetings, participate fully in the IEC meetings, and attend events and perform other such duties as prescribed by the IEC.

All IEC members must have formal authorization by action (motion recorded in minutes) to represent or speak on behalf of the IEC (e.g. press releases, school board meetings, social media, etc.).

ARTICLE VI: MEETINGS OF THE INDIAN EDUCATION COMMITTEE

SECTION 1. Regular Meetings

The IEC shall meet regularly on a monthly basis as scheduled by the IEC. All regular meetings shall be open to the public. The date and time of the regular meetings shall be the second Monday of each month. Notices and information shall be posted at least five (5) days prior to the meeting date.

SECTION 2. Special Meetings

Special meetings of the IEC may be called by the Chairperson or by a majority vote of the committee. All IEC members shall be given a two day notice of the special meeting. The IEC members must be given the purpose of the special meeting. Agenda items must be limited to those areas of concern causing the call of the special meeting. No other items may be added or discussed during the special meeting.

SECTION 3. Decisions of the Indian Education Committee

All decisions of the committee shall be made only after an affirmation vote of the majority of quorum in attendance, and/or via technology access.



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



SECTION 4. Quorum

The presence of the majority of active members of the IEC shall constitute a quorum and/or special condition to utilize teleconferencing necessary for the transaction of business of the committee. No decisions of the committee shall be valid unless a quorum is present and/or concur therein their votes through teleconferencing.

SECTION 5. Meeting Conduct

All regular and special meetings of the IEC shall be conducted similar to Robert's Rules of Order or in accordance with an appropriate adaptation thereof.

SECTION 6. Open Meeting

All regular and special meetings of the committee and its standing or special committees shall be open meetings to representatives of the schools, members of the surrounding communities and the general public with the exception of the closed executive session.

SECTION 7. Meeting Format

Meetings may be held in-person, virtual, and/or concurrent for the purpose of accessibility and participation.

SECTION 8. Agenda

Any committee member may present items for the agenda and non-members may request an item to be included on the agenda by notifying the Chairperson, Secretary and/or NAESP Program Coordinator/Supervisor one week prior or in ample time before the posting of the agenda. A Representative from Flagstaff Bordertown Dormitory will be invited to each regular IEC meeting with an allocated time if necessary. In accordance with the Arizona Open Meeting Act, an agenda must be posted at the place of the regular meeting at least 24 hours in advance of the meeting.

ARTICLE VII: TRAINING PROVISIONS

SECTION 1. Training Expenses

IEC shall establish and maintain a budget to underwrite the costs of members' participation in conferences, workshops and/or in-service training.



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



SECTION 2. Stipend

IEC members shall be compensated \$75.00 for each meeting attended, including special meetings. There is a \$10.00 additional amount for the seat of Secretary for additional responsibilities to the IEC. No compensation will be given for conferences/ workshops/ and/or training attendance. Any payment for stipends and/ or reimbursement shall be subject to the availability of funds.

SECTION 3. Mileage

IEC members are allowed to claim compensation for mileage rates where allowed.

Compensation for IEC participation at duly called meetings shall not exceed the subcontractor's reimbursement policy and any applicable federal travel requirements. Any payment for stipends and/or reimbursement shall be subject to the availability of funds.

SECTION 4. Per Diem

IEC members shall not claim reimbursement for travel expenses incurred for in-state or out-of-state approved travels consistent with FUSD travel policies for JOM related business.

ARTICLE VIII: GRIEVANCE PROCEDURE

SECTION 1:

Grievance procedures for complaints from FUSD enrolled Indian or Native American students, parents, guardians, and JOM staff relating to program(s) contracted under JOM shall be as follows:

1. **The complainant shall submit a grievance in writing to the IEC for investigative review and action.**
2. Upon receipt of a written complaint, the IEC shall, within 15 working days, make an investigation document and submit its findings to the complainant. If the complaint cannot be resolved with the specified time, the IEC may request additional time from the complainant.
3. If the complaint cannot be resolved by the IEC to the satisfaction of the complainant, the IEC will move forward the complaint with all investigative documents, findings, and/or recommendations to the FUSD Administration.

SECTION 2:

1. **The FUSD Administration ("Administrator") shall schedule a meeting with the IEC Chairperson within 10 working days after a complaint has been received.**



JOHNSON O'MALLEY INDIAN EDUCATION PROGRAM BYLAWS



2. A grievance committee may consist of the Administrator, IEC Chairperson and any IEC members.
3. The grievance committee will review the complaint, investigative documents, findings, and /or recommendations.
4. Within 10 working days of this meeting, the Administrator will contact the complainant to review the grievance committee disposition in resolving the complaint.
5. If the complainant is not satisfied, the Administrator will forward the complaint with all investigative documents, findings, and /or recommendations to the Navajo Nation JOM Program Manager for review and action.
6. The findings shall be final.

ARTICLE IX: AMENDMENTS

SECTION 1. Amendments

These by-laws may be amended at any time by four (4) affirmative votes, or a majority in the case of a vacant seat, of the active membership of the IEC provided that the amendment is to carry out the purposes of the committee as herein above expressed and any amendment must conform with the JOM Act and the Navajo Nation Johnson-O'Malley Indian Education Committee Policy, Exhibit A, dated October 16, 2019.

SECTION 2. Use of Teleconferencing, or Virtual Meeting

The use of teleconferencing and/or a virtual/digital platform shall be permitted to be used to meet quorum, enhance participation, and to be accessible to all members of the board and guests.



JOHNSON O'MALLEY
INDIAN EDUCATION PROGRAM
BYLAWS

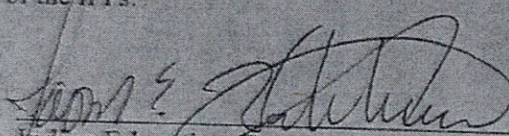


IN WITNESS THEREOF:

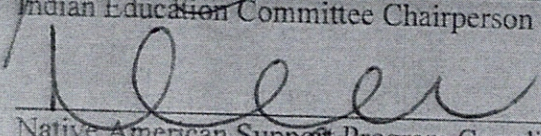
In witness thereof, the FLAGSTAFF UNIFIED SCHOOL DISTRICT No. 1- INDIAN EDUCATION COMMITTEE has caused these amended by-laws to be executed on August 25, 2023.

POLICY (6): FUSD will provide a copy of the Indian Policies and Procedures (IPP) annually to the affected tribe or tribes. [34 CFR CRF 222.94 (a) (6)]

FUSD will annually provide a copy of the current IPP to the tribes by posting on the FUSD Native American/Indian Education website page, emailing a copy to tribal offices (e.g. Navajo Chapters) and providing them notice of where to access the IPP within 30 days of board approval of the IPPs.


Indian Education Committee Chairperson

29 APR 2024
Date


Native American Support Program Coordinator/Supervisor

4/24/2024
Date


Flagstaff Unified School District #1 Superintendent

4/29/2024
Date