

DEVILS LAKE PUBLIC SCHOOL
Native American Education Advisory Committee
BY-LAWS
ARTICLE 1

SECTION I: The name of the advisory board for the Johnson O'Malley (JOM) and Title VII Indian education program will be referred to as the Devils Lake Native American Education Advisory Committee (NAEAC).

SECTION II: All parents and guardians of eligible Native American children who attend the Devils Lake Public School District, shall be eligible to vote in the annual election of the committee members. For JOM, eligible children include those children who have one-fourth (1/4) or more Native American blood and are members of a tribe, which is recognized by the Secretary of the Interior as being eligible for JOM Bureau of Indian Affairs Services. For Title VII – “Native American Student” means... any individual who, (1) is a member of a tribe, band, or other organized group of Native American, including those tribes, bands, or groups terminated since 1940 and those recognized by the state in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be a Native American for purpose, or (3) is an Eskimo or Aleut or other Alaska Native...”. Voters shall be eligible to hold membership on the NAEAC committee.

SECTION III: The NAEAC committee will consist of nine (9) members. Six members will be elected from the parents or guardians of the eligible Native American students. Two members will be employees of the Devils Lake Public School District and approved by the elected NAEAC. One member will be selected from eligible students of the Devils Lake School District from volunteers of the high school (grades 9 through 12), preferably of the junior class. Employees of the School District whose salaries are partially or fully paid from the JOM or Title VII programs shall not serve as board members. Officers will be elected each year in April to the positions of a Chairperson, Vice Chairperson, and a Secretary by the committee members. Committee members shall serve for a two (2) years period with the following rotation schedule to be used for elections. The membership of the NAEAC shall be three (3) members elected on odd numbered years. Members must currently have a child/dependent enrolled in the Devils Lake School District to be eligible to serve on the Native American Education Advisory Committee. The Devils Lake School District will appoint a Director from the administrators to act as the legal school board representative to the NAEAC and assist the NAEAC in preparing applications, budgets, final reports, and any other committee business that may be necessary.

SECTION IV: The annual election will be held in the spring. The procedure will be as follows:
1. Interested parents or guardians will petition to run for the committee (by notifying the NAC coordinator through written communication and or by submitting a form which will be available on the NAEAC link on the Devils Lake Public School District website) or by nomination at the January NAEAC meeting. A. One member per immediate family (brother, sister, spouse, parents, and or children) may be elected to the committee. B. In case of two (2) family members being elected, only that person with the most votes will serve on the board. 2. The election will be held during the parent-teacher conferences in the spring. Parents or guardians will obtain ballots in the building of one of their children and mark them, and place them in a sealed ballot box. 3.

Absentee ballots will be provided upon request. 4. Ballots will be counted by the legal school board representative or designee, and one other NAEAC member designated by the chairperson following the election. The results will be published; the chairperson will notify new members; and the NAEAC will review the ballots at the next NAEAC meeting. 5. If the election results in a tie, the director of the NAEAC shall notify, in writing, the candidates between whom the tie exists. Within 3 working days after the canvass of the election by the NAEAC director and coordinator, at a time agreed upon by the candidates, the election must be decided in the presence of the director and/or coordinator, by a drawing of names. A candidate involved in a tie vote may withdraw the candidate's name from consideration if the candidate is willing to sign a statement to that effect in the presence of and witnessed by the director and/or coordinator. 6. Newly elected board members will assume duties at the next regular meeting following approval by the NAEAC.

SECTION V: Meeting of the NAEAC shall be held the second Tuesday of each month with the time being set by the members of the board. The director will send the members an agenda and meeting minutes at least 7 days prior to the meeting.

SECTION VI: All NAEAC members, including the chairperson, shall be entitled to vote on all issues brought before the board. A majority vote on any issue, matter, or motion shall prevail. Board Responsibilities: (Per CFR Title 25 Part 273, Education Contracts Under Johnson O'Malley (JOM) Act and the Indian Education Act (Title VII). Once the NAEAC has been selected and has acquired some understanding of its role and responsibilities and tasks. The NAEAC's authority is defined in the Rules and Regulations, Section 273.15 and 273.16 of Title 25 of the CFR (Code of Federal Regulation); These Responsibilities may include the following:

1. Develop organizational constitution and by-laws.
2. Plan, develop and approve all supplemental programs and expenditures of funds for eligible Native American students.
3. Participate fully in the implementation, and evaluation of the JOM/Title VII funded Native American Education Program.
4. Work with contractor of sub-contractor in developing Education Plan.
5. Secure copy of negotiated contract (which includes Education Plan).
6. Recommend cancellation or suspension of contract if contractor or subcontractor fails to permit NAEAC to exercise its power and duties.
7. Additional powers the NAEAC may wish to exercise are defined in the Rules and Regulation (section 273.16). These may include:
 - A. Negotiations – Participate in negotiations of all contracts.
 - B. Needs Assessment – Make initial, annual assessment of learning needs of Native American children affected in their community.
 - C. Records – Have access to records and other program and budget related documents if necessary to carry out duties and in compliance with Freedom of Information (section 273.49)
 - D. Reports – Request periodic reports and evaluations regarding the JOM/Title VII program.
 - E. Grievance – Hear grievances of Native American students and parents related to JOM/Title VII program.

F. Meetings – Meet regularly with the Professional staff serving Native American students and local educational agency. Hold committee business meetings on a regular basis which are open to the public.

SECTION VII: A quorum to transact business shall consist of at least five (5) NAEAC members, including either the chairperson or vice chairperson. All business will be conducted by Robert's Rules of Order.

ARTICLE II

SECTION I: Secretary: an elected member of the NAEAC who shall keep the minutes of the meetings, the membership rules, and other such records, as the NAEAC shall require.

SECTION II: The NAEAC will meet monthly. NAEAC members will receive a stipend for each regular monthly meeting attended.

SECTION III: In the event a vacancy should occur among any officer or member of the NAEAC, the committee will designate or appoint a new officer or member to fill and serve out the remaining term of the vacating person. The designation will require a majority approval of the committee.

SECTION IV: Meeting attendance: Any committee member who is absent for three (3) consecutive meetings may be released from the committee.

SECTION V: The by-laws of the Devils Lake NAEAC may be amended by a majority vote of at least two-thirds (2/3) of the total committee membership. Any revisions or amendments must be read at least two (2) consecutive committee meetings and then voted on.

SECTION VI: The mailing address for the Devils Lake NAEAC shall be: Devils Lake Central Middle School (701.662.7664) 325 7th St NE. Devils Lake, ND 58301

Ratified on January 13, 2015