

Ordinance 31-11

An Ordinance amending Title 9 of the Mille Lacs Band Statutes Annotated entitled Education in order to change the supervisory authority of the Nay-Ah-Shing School Board and to entrust the Commissioner of Education with the task of the day-to-day supervisory authority over all Education employees.

The District I Representative introduced the following Bill on the 27th day of September, 2011.

Preamble

The Band Assembly of the Mille Lacs Band of Ojibwe believes it is in the best interest of the Band to provide a quality education for the children. It is the intent of this law to provide clear direction to the School Board and to the Commissioner of Education so that they may fulfill the mission of providing a quality education for all children attending the Nay-Ah-Shing schools.

I.

1. This Education Ordinance represents the law pertaining to the Nay-Ah-Shing School Board. Prior Title 9 MLBSA §§ 8, 10, 15, 18, 19, and 28 are repealed and replaced by this Ordinance. Sections 29 and 30 are renumbered as Sections 28 and 29.
2. The amendments to Title 9 are as follows:
 - (1) Section 8 (**Powers and duties of the Nay-Ah-Shing School Board**) is amended deleting sub-sections (c)(6) and (d), as well as renumbering sub-section (c)(7) to become the new (c)(6). See attached redlined version of Title 9.
 - (2) Section 10 (**Hearings**) is amended as follows:

“The Consolidated Nay-Ah-Shing School Board shall have the power to hold subject matter public hearings on education related topics.”
 - (3) Section 15 (**Powers and duties of Commissioner of Education**) is amended to authorize the Commissioner with day-to-day supervisory authority over all Nay-Ah-Shing department employees.

Sub-section (c) of Section 15 is amended as follows:

“Exercise the day-to-day administration of all educational activities including supervisory authority over any and all Education employees.”

Sub-section (e) of Section 15 is amended as follows:

“Oversee the employment, discipline or termination of Education employees according to the policies set forth in the Mille Lacs Band Personnel Policy Manual.”

(4) Section 18 (**Compulsory attendance of school age pupils**) is amended as follows:

Sub-section (a) is amended as follows:

“Every child between the chronological age of six (6) and sixteen (16) years of age shall attend a Band school or Public School of the State of Minnesota, during the entire time that the school is in session during the school year. Nay-Ah-Shing School shall be in session no less than one hundred and eighty (180) instructional days. 25 C.F.R., Part 36, Subpart C, Section 36.20(b). Any student between sixteen (16) and eighteen (18) years of age who seeks to withdraw from school, must have the student’s parent or guardian (1) attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities, and (2) the student’s parent or guardian must sign a written election giving permission to withdraw from school.”

(5) Section 19 (**Obligations of the Nay-Ah-Shing School Board**) is amended as follows:

Sub-Section (d) is amended as follows:

“to establish a cultural and language educational program;”

Sub-section (e) is amended as follows:

“to ensure that each student can converse in the native language of Ojibwe upon high school graduation;”

Sub-section (f) is added as follows:

“to establish curriculum to incorporate Band history as well as the history of other tribes in the United States;”

Sub-section (g) is added as follows:

“to establish curriculum to incorporate an understanding of the Band government structure;”

Sub-section (h) is added as follows:

“to establish college preparatory classes in the high school; and”

Sub-section (i) is added as follows:

“to establish curriculum to teach personal financial information and economics to students.”

- (6) Section 28 (**Appeals**) is deleted in its entirety.
 - (7) Section 29 (**Solicitor General**) is re-numbered as the new Section 28.
 - (8) Section 30 (**Sovereign Immunity**) is re-numbered as the new Section 29.
3. The amendments to Title 9 of the Mille Lacs Band Statutes Annotated are included as an attachment to this Bill and referenced as Exhibit A.

Ordinance 31-11
(Band Assembly Bill 14-04-31-11)

Introduced to the Band Assembly on this
Twenty-Seventh day of September in the year
Two-Thousand eleven.

Passed by the Band Assembly on this
Twenty-Seventh day of September in the year
Two-thousand eleven.



Curt Kalk, Speaker of the Assembly

APPROVED:

Date: 9-28-11



Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND

Mille Lacs Band Statutes Annotated

Amendments received through: ~~September~~ May 27, 2011~~04~~

TITLE 9 - EDUCATION

Chapter	Section
1. Consolidated Nay-Ah-Shing School Board	1

CHAPTER 1

CONSOLIDATED NAY-AH-SHING SCHOOL BOARD

Section	
1.	Consolidated Nay-Ah-Shing School Board
2.	Membership and voting
3.	Election of members
4.	Terms of office
5.	Eligibility for Board membership
6.	Removal from office
7.	Vacancies
8.	Powers and duties of the Nay-Ah-Shing School Board
9.	Educational state of the Band report and needs assessment
10.	Hearings
11.	Bylaws
12.	Responsibility for unacceptable performance of duties
13.	Meetings
14.	Powers reserved to Band Assembly
15.	Powers and duties of Commissioner of Education
16.	Local Indian Education Committees
17.	Admission to Nay-Ah-Shing School
18.	Compulsory attendance of school age pupils
19.	Obligations of the Nay-Ah-Shing School Board
20.	Bequests, gifts and trusts
21.	Records
22.	Health
23.	Sectarian materials or teaching
24.	In loco parentis
25.	Office of Management and Budget
26.	Appropriations

Field Code Changed

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 3

§ 4. Terms of office

The term of office for each Board Member shall be four years. The positions will be staggered with two members (Districts I and III) being elected in June 1990, and every four years thereafter, and the Chairperson and two other members (Districts I and II) being elected in June, 1992, and every four years thereafter.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 4

§ 5. Eligibility for Board membership

(a) Any Board Members elected by the residents of a district or the Chairperson shall be an enrolled member of the Mille Lacs Band of Ojibwe Indians and at least twenty-one years as of the date of certification of candidates by the Joint Session.

(b) Any Board Member elected or appointed must reside for at least one year prior to the primary election within the voter districts.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 5

§ 6. Removal from office

Any Board Member may be removed from office for just cause as determined by 3 MLBSA § 25.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 6

§ 7. Vacancies

(a) In the event that a Board Member resigns or is removed as a Board Member or is otherwise unable to complete his/her term as a Board Member or there is otherwise a vacancy the vacancy shall be filled by appointment.

~~(6) the employment and termination of all Band 0-12 School employees or the regulation of the behavior of said employees through authorized personnel policies; and~~

(67) the implementation of rules and regulations for any Band 0-12 School education-related subject-matter statute.

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~~(d) The Nay-Ah-Shing School Board shall have jurisdiction over all 0-12 School employees.~~

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 8; [Band Ordinance 31-11](#)

§ 9. Educational state of the Band report and needs assessment

The Consolidated Nay-Ah-Shing School Board shall annually prepare an Educational State of the Band report to the Chief Executive and the Band Assembly no later than August 1 of each year and biannually conduct a needs assessment into all areas of its jurisdiction. By August 1 of each year, the Commissioner of Education and Nay-Ah-Shing School Board shall concur on appropriate levels for academic achievement, culture and language, and staffing for the upcoming year.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 9

§ 10. Hearings

The Consolidated Nay-Ah-Shing School Board shall have the power to hold subject matter public hearings ~~for just cause~~ [on education related topics](#).

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 10; [Band Ordinance 31-11](#)

§ 11. Bylaws

The Consolidated Nay-Ah-Shing School Board shall adopt a set of bylaws establishing its rules of procedure and other internal governance matters within 90 days

(b) Negotiate and execute contracts with individuals and funding agencies of the United States or any private foundations for any education related matters;

(c) Exercise the day-to-day administration of all educational activities including supervisory authority over any and all Education employees; ~~subject to review by the School Board in the case of Band 0-12 School employees;~~

(d) Authorize the expenditure of all education funds under his/her jurisdiction, provide the School Board with a copy of each budget and notify the Board of all expenditures and budget modifications, and be accountable for the lawful disbursement of such funds;

(e) ~~Oversee~~ ~~Recommend~~ the employment, discipline or termination of education employees according to the policies set forth in the Mille Lacs Band Personnel Policy Manual to the Administration Policy Board or the Nay-Ah-Shing School Board depending on which program supervises the employee;

(f) Open or close school sessions for just cause;

(g) Issue Commissioner's Orders on any subject matter within his/her jurisdiction pursuant to the authority conferred by Band statute;

(h) With the School Board, determine annual student achievement standards;

(i) Report to School Board on matters of concern to the Board; and

(j) Forward budget requests, in consultation with School Board.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 15; Band Ordinance 31-11

§ 16. Local Indian Education Committees

All local Indian Education Committees shall be disbanded with powers transferred to the Nay-Ah-Shing School Board upon the date of enactment of this Chapter. Authorities granted by the Mille Lacs Reservation Business Committee to said Committees are hereby revoked and rescinded.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 16

(e) For purposes of this section, parents or legal guardians shall be deemed liable for the truancy of minors under their direct supervision in any court of competent jurisdiction.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 18, Band Ordinance 31-11

§ 19. Obligations of the Nay-Ah-Shing School Board

The Nay-Ah-Shing School Board shall have the following duties and obligations under this Chapter:

(a) to establish rules relating to qualifications of essential personnel, course of study or training, methods of instruction and training, size of classroom, equipment, supervision of pupils, parent consultation and any other rules or standards within its statutory authority;

(b) to provide a free education to all children attending any Band 0-12 School;

(c) to furnish free textbooks to all pupils;

(d) to establish a cultural and language educational program; ~~and~~

(e) to ensure that each student graduate can converse in the native language of Ojibwe upon high school graduation;

(f) to establish curriculum to incorporate Band history as well as the history of other tribes in the United States;

(g) to establish curriculum to incorporate an understanding of the Band government structure;

(h) to establish college preparatory classes in the high school; and

(i) to establish curriculum to teach personal financial information and economics to students.

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Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 19, Band Ordinance 31-11

The School Board shall ensure that sectarian materials of any type are not provided to pupils that promote beliefs inconsistent with the cultural laws and traditions of the Band. They shall further ensure that all Band 0-12 grade school programs remain free of sectarian beliefs and political activism of any kind.

Historical and Statutory Notes

Source:
Band Ordinance 33-03, § 23

§ 24. In loco parentis

The School Board shall not assume parental rights for any child while such child is in attendance at Band school. Corporal punishment shall not be permitted as a form of discipline in any policy adopted by the School Board.

Historical and Statutory Notes

Source:
Band Ordinance 33-03, § 24

§ 25. Office of Management and Budget

The Office of Management and Budget shall retain financial responsibility for the general books of account for all education-related funds of the Band.

Historical and Statutory Notes

Source:
Band Ordinance 33-03, § 25

§ 26. Appropriations

The Band Assembly shall retain appropriation authority over all education-related funds. As required by Band Ordinance 23-99, appropriation requests shall be prepared on a biennial basis and forwarded to the Chief Executive for submission to the Band Assembly no later than September 1 of each odd-numbered year.

Historical and Statutory Notes

Source:
Band Ordinance 33-03, § 26

§ 27. Veto authority of Chief Executive

jurisdiction.

Source:

Band Ordinance 31-11

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