



Mille Lacs Band of Ojibwe Indians
Legislative Branch of Tribal Government
Office of the Revisor of Statutes

Certificate of Correctness

WHEREAS, on September 25, 2003, the Non-Removable Mille Lacs Band of Ojibwe Band Assembly (“Band Assembly”) approved Ordinance 33-03;

WHEREAS, on September 26, 2003, the Chief Executive signed into law Ordinance 33-03, which repealed and replaced the prior Title 9 (Education) of the Mille Lacs Band Statutes (“MLBS”);

WHEREAS, on September 27, 2011, the Band Assembly approved Ordinance 31-11;

WHEREAS, on September 28, 2011, the Chief Executive signed into law Ordinance 31-11, which changed the supervisory authority of the Nay-Ah-Shing school board and entrusted the Commissioner of Education with the task of day-to-day supervisory authority over all education employees;

WHEREAS, on June 25, 2012, the Band Assembly approved and the Chief Executive signed into law Ordinance 68-12, which amended 9 MLBS § 18 to allow the school board to adjust the mandatory instructional days from 180 days to 175 days when necessary due to exigent circumstances;

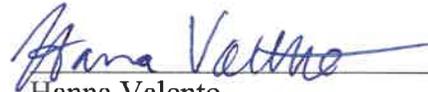
WHEREAS, according to 25 MLBS § 12, the Revisor shall issue certificates of correctness after comparing any amended sections of Band statutes with previous editions as a method of ensuring that the law is properly reflected in statutes available to the public;

WHEREAS, pursuant to 25 MLBS § 15, the Revisor is responsible to publish Band statutes; and

NOW, THEREFORE, as the Band’s Revisor of Statutes, I hereby attest on March 16, 2021, to having compared the enclosed version of Title 9 with any previous versions and certify as to the correctness of the enclosed version.

Enclosures

1. Title 9 – Education
2. Ordinance 33-03
3. Ordinance 31-11
4. Ordinance 68-12



Hanna Valento
Revisor of Statutes

OFFICIAL SEAL OF THE BAND



Mille Lacs Band Statutes Annotated

Amendments received through: June 25, 2012

TITLE 9 - EDUCATION

Chapter

1. Consolidated Nay-Ah-Shing School Board

Section

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. Power and Duties of the Nay-Ah-Shing School Board.
9. Education 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.**
- 27. Veto Authority of Chief Executive.**
- 28. Solicitor General.**
- 29. Sovereign Immunity.**

§ 1. Consolidated Nay-Ah-Shing School Board.

A Commission to be known as the Nay Ah Shing school board is hereby chartered and authorized as an independent subdivision of the Executive Branch of tribal government with those powers as delegated by the Band Assembly.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 1.

§ 2. Membership and Voting.

The Consolidated Nay-Ah-Shing School Board shall be five-member board; with each member having the title of Board Member, with the exception of the leader whose title shall be Chairperson. Each Board Member shall have one (1) vote at regular and special meetings with the exception of the Chairperson who shall vote in the case of a tie vote.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 2.

§ 3. Election of Members.

Each Board Member shall be elected, two (2) from District I, one (1) from District II, and one (1) from District III. The Chairperson shall be elected from an at large voting position.

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 (4) years. The positions will be staggered with two (2) members (Districts I and III) being elected in June 1990, and every four (4) years thereafter, and the Chairperson and two (2) other members (Districts I and II) being elected in June 1992, and every four (4) 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 Non-Removable Mille Lacs Band of Ojibwe Indians and at least twenty-one years as of the date of certification of candidates by the Joint Session of the Band Assembly.
- (b) Any Board Member elected or appointed must reside for at least one (1) 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 MLBS § 25.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 6.

§ 7. Vacancies.

- (a) In the event that a Board Member resigns, is removed as a Board Member, or is otherwise unable to complete her or his term as a Board Member or there is otherwise a vacancy, the vacancy shall be filled by appointment.
- (b) The District Representative from the District where the vacancy occurs shall provide the Chief Executive with the names of two (2) eligible persons from which the Chief Executive shall nominate one (1) person to fill the vacancy that is subject to ratification of the Band Assembly.
- (c) If a District Representative does not submit the names of two (2) eligible persons to the Chief Executive within 30 calendar days of a vacancy, the Chief Executive shall appoint an individual to complete the term.

- (d) In the event that the vacancy occurs in the Chair position, the Chief Executive shall make the nomination that is subject to the ratification of the Band Assembly.
- (e) In the event the Chief Executive fails to nominate a person to fill a vacancy for the Chair position within 30 calendar days of a vacancy, the Secretary-Treasurer shall appoint an individual to complete the term.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 7.

§ 8. Powers and Duties of the Nay-Ah-Shing School Board.

- (a) The Consolidated Nay-Ah-Shing School Board shall have power to establish educational policy for the benefit of Band members and non-Band members attending a Band school.
- (b) They shall prepare a uniform system of records for the Band's school(s).
- (c) They shall have general supervision over all Band 0-12 School Programs and shall establish policy for:
 - (1) approval of requests for any educational, scientific research;
 - (2) minimum criteria for passage to succeeding grades and graduation;
 - (3) appropriate student conduct and disciplinary procedures;
 - (4) any satellite/expanded services for Band 0-12 School Programs;
 - (5) the preparation and authorization of educational grants and contracts related to all Band 0-12 School Programs; and
 - (6) the implementation of rules and regulations for any Band 0-12 School education-related subject-matter statute.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 8.

Band Ordinance 31-11, § I.2(1) and Exhibit A § 8.

§ 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 Na 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 on education related topics.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 10.

Band Ordinance 31-11, § I.2(2) and Exhibit A § 10.

§ 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 calendar days of passage of this Chapter. Said Bylaws shall be ratified by Band Assembly.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 11.

§ 12. Responsibility for Unacceptable Performance of Duties.

In exercising any powers granted, each Board Member shall not be immune from any responsibility that results from willful, knowledgeable, and unacceptable performance of their duties.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 12.

§ 13. Meetings.

The Consolidated Nay-Ah-Shing School Board may meet up to twice a month with an agenda prepared in advance by the Chairperson. The Chairperson shall give at least twenty-four hour notice for any Special meetings.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 13.

§ 14. Powers Reserved to Band Assembly.

Any and all powers not specifically listed are reserved to the Band Assembly.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 14.

§ 15. Powers and Duties of Commissioner of Education.

The Commissioner of Education shall have general and day-to-day supervisory authority over all Nay Ah Shing School department employees and the power and duty to:

- (a) attend regularly scheduled and special School Board Meetings;
- (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;
- (d) authorize the expenditure of all education funds under her or his 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 the employment, discipline, or termination of Education employees according to the policies set forth in the Mille Lacs Band Personnel Policy Manual;
- (f) open or close school sessions for just cause;
- (g) issue Commissioner's Orders on any subject matter within her or his jurisdiction pursuant to the authority conferred by Band statute;
- (h) with the School Board, determine annual student achievement standards;
- (i) report to the School Board on matters of concern to the Board; and
- (j) forward budget requests, in consultation with the School Board.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 15.
Band Ordinance 31-11, § I.2(3) and Exhibit A § 15.

§ 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.

§ 17. Admission to Nay-Ah-Shing School.

All schools under the jurisdiction of the Band which are supported by Band revenue or any funds of the United States shall admit any enrolled member of the Band who is of school age and has not been expelled from any other school for violation of federal law. Notwithstanding the provision of any law to the contrary, the conduct of all pupils attending a Band sanctioned school shall be governed by a single set of reasonable rules and regulations established by the School Board. The School Board shall establish a single set of reasonable admission standards that shall contain uniform minimum school age entrance requirements.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 17.

§ 18. Compulsory Attendance of School Age Pupils.

- (a) 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 180 instructional days, unless exigent circumstances arise. In that case, at the discretion of the School Board and with the approval of the Band Assembly, the school session may be for no less than 175 instructional days.
- (b) Any student between sixteen (16) and eighteen (18) years of age seeking to withdraw from school, must have her or his 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 for the minor child to withdraw from school.
- (c) It shall be the duty of the School Board or its designee to determine the legitimacy of all absences from the school for any pupil. Excuses for any absence shall be determined from uniform standards as established by the School Board.
- (d) The School Board or its designee shall by registered mail notify the parents or guardians of any pupil who is unexpectedly absent from school. On the fifth day of any unexcused absence from school per quarter, the School Board shall, by registered mail, notify the parents or guardians to appear before the School Board for a formal hearing to discuss the matter. Upon the continuation of unexcused absences or upon failure of the parents or guardians to appear before the School Board, the School Board shall request that the appropriate social services agency file a civil complaint (Child Protection Petition) in a court of competent jurisdiction.
- (e) Any person who is found guilty of civil violations of this section shall be subject to a fine not to exceed \$100.00. Continued civil violations shall subject the parent or guardian to contempt of court and an additional fine.
- (f) For purposes of this section, parents or legal guardians shall be deemed liable for the truancy of minors who are under their direct supervision in the Court of Central Jurisdiction or any court of competent jurisdiction.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 18.
Band Ordinance 31-11, § I.2(4) and Exhibit A § 18.
Band Ordinance 68-12. § I.

§ 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;
- (e) to ensure that each student 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.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 19.
Band Ordinance 31-11, § I. 2(5) and Exhibit A § 19.

§ 20. Bequests, Gifts, and Trusts.

The School Board may receive, for the benefit of Indian children in any Band educational program, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 20.

§ 21. Records.

The School Board shall keep records of all meetings and all transcripts thereof. Such records shall be prima facie evidence of the facts therein stated. They shall also keep records of student achievement, attendance, and related issues. All such records shall be private and confidential and shall only be disclosed pursuant to a confidentiality policy adopted by the School Board

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 21.

§ 22. Health.

The School Board shall establish a policy for physical examinations for all pupils enrolled at Band 0-12 grade schools. Employees of the School Board shall show freedom from contagious diseases in accordance with rules established by the Coordinator of Health Services. The Coordinator of Health Services shall be the Nurse Practitioner/Community Health Nurse at Ne-ia-shing Clinic. The Commissioner of Health & Human Services, in conjunction with the School Board, shall be responsible for the development of all health-related rules, regulations, and policies for the 0-12 grade school programs. The School Board shall adopt any such rule, regulation, or policy recommended by the Commissioner of Health & Human Services unless they find compelling cause to reject such rule, regulation, or policy.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 22.

§ 23. Sectarian Materials or Teaching.

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 law, 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.

The Chief Executive may veto any official action of the School Board within five (5) business

days of receipt of any such policy, rule, or regulation with concurrent ratification of such veto by the Band Assembly within ten (10) business days. In the event of the Band Assembly's refusal to ratify any such veto, said action of the School Board shall be implemented. If the Band Assembly concurs with the Chief Executive's veto, the official action of the School Board shall fail to take effect. Upon receipt of notice of any such Executive veto, the Chairperson of the School Board shall appear before the Band Assembly to justify the School Board's official action to the Band Assembly. Such justification shall be submitted in writing at least one (1) calendar day before formal oral hearing before the Band Assembly.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 27.

§ 28. Solicitor General.

- (a) The Solicitor General shall represent the interest of the School Board in matters before the Court of Central Jurisdiction with the exception of those issues in which the interests of the Band override the interest of the School Board.
- (b) Should there be any doubt as to the proper interpretation of any part of this Chapter, the Commissioner of Education shall submit such question to the Solicitor General, who should issue a written opinion thereon.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 29.
Band Ordinance 31-11, § I.2(6) and (7).

§ 29. Sovereign Immunity.

Nothing in this Chapter shall be construed as a waiver of sovereign immunity of the Non-Removable Mille Lacs Band of Ojibwe Indians in any State or Federal Court of competent jurisdiction.

Historical and Statutory Notes

Source:

Band Ordinance 33-03, § 30.
Band Ordinance 31-11, § I.2(8).

Band Assembly Bill 10-04-33-03

A Bill amending Title 9 MLBSA §§ 1-30 in regard to the Nay Ah Shing School Board and its respective powers and duties.

The District II Representative introduced the following Bill on the 17th day of July, 2003.

This Education Ordinance represents the law pertaining to the Nay Ah Shing School Board. Prior Title 9 MLBSA §§ 1-30 are repealed and replaced in their entirety by this Ordinance.

PREAMBLE: The Mille Lacs Band of Ojibwe Indians believes that its children are its most precious resource as they represent the future of the Band. In the quest to provide a quality education for their children, the Band recognizes that the Nay Ah Shing Schools require a School Board that is responsive to the needs of the children. It is the intent of this law to provide clear direction for the Nay Ah Shing School Board so that it may fulfill its mission to provide a quality education for the Mille Lacs Band of Ojibwe children.

Chapter 1

Section 1. Consolidated Nay-Ah-Shing School Board

A Commission to be known as the Nay Ah Shing school board is hereby chartered and authorized as an independent subdivision of the Executive Branch of tribal government with those powers as delegated by the Band Assembly.

Section 2. Membership and voting

The Consolidated Nay-Ah-Shing School Board shall be five-member board; with each member having the title of Board Member, with the exception of the leader whose title shall be Chairperson. Each Board Member shall have one vote at regular and special meetings with the exception of the Chairperson who shall vote in the case of a tie vote.

Section 3. Election of members

Each Board Member shall be elected, two from District I, one from District II and one from District III. The Chairperson shall be elected from an at large voting position.

Section 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.

Section 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.

Section 6. Removal from office

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

Section 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.
- b) The District Representative from the District where the vacancy occurs shall provide the Chief Executive with the names of two eligible persons from which the Chief Executive shall nominate one person to fill the vacancy that is subject to ratification of the Band Assembly.
- c) If a District Representative does not submit the names of two eligible persons to the Chief Executive within thirty (30) days of a vacancy, the Chief Executive shall appoint an individual to complete the term.
- d) In the event that the vacancy occurs in the Chair position, the Chief Executive shall make the nomination that is subject to the ratification of the Band Assembly.
- e) In the event the Chief Executive fails to nominate a person to fill a vacancy for the Chair position within thirty (30) days of a vacancy, the Secretary/Treasurer shall appoint an individual to complete the term.

Section 8. Powers and duties of the Nay-Ah-Shing School Board

- a) The Consolidated Nay-Ah-Shing School Board shall have power to establish educational policy for the benefit of Band members and non-Band members attending a Band school.
- b) They shall prepare a uniform system of records for the Band's school(s).
- c) They shall have general supervision over all Band 0-12 School Programs and shall establish policy for:
 - (1) approval of requests for any educational, scientific research;
 - (2) minimum criteria for passage to succeeding grades and graduation;
 - (3) appropriate student conduct and disciplinary procedures;

- (4) any satellite/expanded services for Band 0-12 School Programs;
- (5) the preparation and authorization of educational grants and contracts related to all Band 0-12 School Programs;
- (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
- (7) the implementation of rules and regulations for any Band 0-12 School education-related subject-matter statute.

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

Section 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.

Section 10. Hearings

The Consolidated Nay-Ah-Shing School Board shall have the power to hold subject matter public hearings for just cause.

Section 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 of passage of this Act. Said Bylaws shall be ratified by Band Assembly.

Section 12. Responsibility for unacceptable performance of duties

In exercising any powers granted, each Board Member shall not be immune from any responsibility that results from willful, knowledgeable and unacceptable performance of their duties.

Section 13. Meetings

The Consolidated Nay-Ah-Shing School Board may meet up to twice a month with an agenda prepared in advance by the Chairperson. The Chairperson shall give at least twenty-four hour notice for any Special meetings.

Section 14. Powers reserved to Band Assembly

Any and all powers not specifically listed are reserved to the Band Assembly.

Section 15. Powers and duties of Commissioner of Education

The Commissioner of Education shall have general and day-to-day supervisory authority over all non Nay Ah Shing School department employees and the power and duty to:

- a) Attend regularly scheduled and special School Board Meetings;
- 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 education 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) Recommend the employment, discipline or termination of education employees, other than 0-12 School employees, for just cause 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.

Section 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 statute. Authorities granted by the Mille Lacs Reservation Business Committee to said Committees are hereby revoked and rescinded.

Section 17. Admission to Nay-Ah-Shing School

All schools under the jurisdiction of the Band which are supported by band revenue or any funds of the United States shall admit any enrolled member of the Band who is of school age and has not been expelled from any other school for violation of federal law. Notwithstanding the provision of any law to the contrary, the conduct of all pupils attending a Band sanctioned school shall be governed by a single set of reasonable rules and regulations established by the School Board. The School Board shall establish a

single set of reasonable admission standards that shall contain uniform minimum school age entrance requirements.

Section 18. Compulsory attendance of school age pupils

- a) Every child between the chronological age of six and sixteen year 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 CFR, Part 36, Subpart C, Section 36.20(b). Any student between sixteen and eighteen years of age who seeks to withdraw from school, and the student's parent or guardian must (1) attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities, and (2) sign a written election to withdraw from school.
- b) It shall be the duty of the School Board or its designee to determine the legitimacy of all absences from school for any pupil. Excuses for absence shall be determined from uniform standards established by the School Board.
- c) The School Board or its designee shall by registered mail notify the parents or guardians of any pupil who is unexpectedly absent from school. On the fifth unexcused absence from school the School Board shall by registered mail notify the parents or guardians to appear before the School Board for a formal hearing into the matter. Upon the continuation of unexcused absences or upon failure of the parents or guardians to appear before the School Board, the School Board shall request that the appropriate Social Services agency file a civil complaint (Child Protection Petition) in a court of competent jurisdiction.
- d) Any person who is found guilty of civil violations of this section shall be subject to a fine not to exceed One Hundred (\$100.00) dollars. Continued civil violation shall subject the person to contempt of court and an additional fine.
- 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.

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

The Nay-Ah-Shing School Board shall have the following obligations under this Ordinance:

- (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 language educational program; and
- (e) to ensure that each graduate can converse in the native language of Ojibwe upon graduation.

Section 20. Bequests, gifts and trusts

The School Board may receive, for the benefit of Indian children in any Band educational program, bequests, donations or gifts for any proper purpose and apply the same to the purpose designated.

Section 21. Records

The School Board shall keep records of all meetings and all transcripts thereof. Such records shall be prima facie evidence of the facts therein stated. They shall also keep records of student achievement, attendance and related issues. All such records shall be private and confidential and shall only be disclosed pursuant to a confidentiality policy adopted by the School Board.

Section 22. Health

The School Board shall establish a policy for physical examinations for all pupils enrolled at Band 0-12 grade schools. Employees of the School Board shall show freedom from contagious diseases in accordance with rules established by the Coordinator of Health Services. The Coordinator of Health Services shall be the Nurse Practitioner/Community Health Nurse at Ne-ia-shing Clinic. The Commissioner of Health & Human Services in conjunction with the School Board shall be responsible for the development of all health related rules, regulations and policies for the 0-12 grade school programs. The School Board shall adopt any such rule, regulation or policy recommended by the Commissioner of Health & Human Services unless they find compelling cause to reject such rule, regulation or policy.

Section 23. Sectarian materials or teaching

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.

Section 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.

Section 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.

Section 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.

Section 27. Veto authority of Chief Executive

The Chief Executive may veto any official action of the School Board within five business days of receipt of any such policy, rule or regulation with concurrent ratification of such veto by the Band Assembly within ten business days. In the event of the Band Assembly's refusal to ratify any such veto, said action of the School Board shall be implemented. If the Band Assembly concurs with the Chief Executive's veto, the official action of the School Board shall fail to take effect. Upon receipt of notice of any such Executive veto, the Chairperson of the School Board shall appear before the Band Assembly to justify the School Board's official action to the Band Assembly. Such justification shall be submitted in writing at least one day before formal oral hearing before the Band Assembly.

Section 28. Appeals

The Administrative Policy Board shall hear all appeals of Nay Ah Shing School Board personnel decisions. If the School Board disagrees with the APB decision, the Board may appeal such decision to the Court of Central Jurisdiction.

Section 29. Solicitor General

- a) The Solicitor General shall represent the interest of the School Board in matters before the Court of Central Jurisdiction with the exception of those issues in which the interests of the Band override the interest of the School Board.
- b) Should there be any doubt as to the proper interpretation of any part of this Chapter, the Commissioner of Education shall submit such question to the Solicitor General, who should issue a written opinion thereon.

Section 30. Sovereign Immunity.

- a) Nothing in this chapter shall be construed as a waiver of sovereign immunity of the Mille Lacs Band of Ojibwe Indians in any State or Federal Court of competent jurisdiction.

Ordinance 33-03

Introduced to the Band Assembly on this
Seventeenth day of July in the year
Two Thousand Three.

Passed by the Band Assembly on this
Twenty-Fifth day of September in the year
Two Thousand Three.

Herb Weyaus
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: 9-26-03

Melanie Benjamin
Melanie Benjamin, Chief Executive

Date: _____

Vetoed

FILED

Date: 9-26-03

John S. Swimmer
John Swimmer, Solicitor General

OFFICIAL SEAL OF THE BAND

CERTIFICATION

I, DeEtta Weyaus, Clerk of the Band Assembly officially certifying that I personally delivered Band Assembly Bill 10-04-33-03 to the Chief Executive, Melanie Benjamin on this 25th day of September 2003.

I, Melanie Benjamin, Chief Executive received Original Band Assembly Bill 10-04-33-03 on this 25th day of September 2003.

Melanie Benjamin, Chief Executive

Or

2. Received in the Chief Executive Office by

Henry Davis

Band Assembly Bill must be returned to legislative office no later than October 1st, 2003 at 4:30 p.m. or it becomes law without the Chief Executive's signature.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1024	
CONNECTION TEL		913205327506
SUBADDRESS		
CONNECTION ID		
ST. TIME	09/25 10:06	
USAGE T	00'19	
PGS. SENT	1	
RESULT	OK	

Ordinance 33-03

Introduced to the Band Assembly on this
Seventeenth day of July in the year
Two Thousand Three.

Passed by the Band Assembly on this
Twenty-Fifth day of September in the year
Two Thousand Three.



Herb Weyaus, Speaker of the Assembly

APPROVED

Date: _____

Melanie Benjamin, Chief Executive

Date: _____

Vetoed

FILED

Date: _____

John Swimmer, Solicitor General

Band Assembly Bill 10-04-33-03

A Bill amending Title 9 MLBSA §§ 1-30 in regard to the Nay Ah Shing School Board and its respective powers and duties.

The District II Representative introduced the following Bill on the 17th day of July, 2003.

This Education Ordinance represents the law pertaining to the Nay Ah Shing School Board. Prior Title 9 MLBSA §§ 1-30 are repealed and replaced in their entirety by this Ordinance.

PREAMBLE: The Mille Lacs Band of Ojibwe Indians believes that its children are its most precious resource as they represent the future of the Band. In the quest to provide a quality education for their children, the Band recognizes that the Nay Ah Shing Schools require a School Board that is responsive to the needs of the children. It is the intent of this law to provide clear direction for the Nay Ah Shing School Board so that it may fulfill its mission to provide a quality education for the Mille Lacs Band of Ojibwe children.

Chapter 1

Section 1. Consolidated Nay-Ah-Shing School Board

A Commission to be known as the Nay Ah Shing school board is hereby chartered and authorized as an independent subdivision of the Executive Branch of tribal government with those powers as delegated by the Band Assembly.

Section 2. Membership and voting

The Consolidated Nay-Ah-Shing School Board shall be five-member board; with each member having the title of Board Member, with the exception of the leader whose title shall be Chairperson. Each Board Member shall have one vote at regular and special meetings with the exception of the Chairperson who shall vote in the case of a tie vote.

Section 3. Election of members

Each Board Member shall be elected, two from District I, one from District II and one from District III. The Chairperson shall be elected from an at large voting position.

Section 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.

Section 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.

Section 6. Removal from office

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

Section 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.
- b) The District Representative from the District where the vacancy occurs shall provide the Chief Executive with the names of two eligible persons from which the Chief Executive shall nominate one person to fill the vacancy that is subject to ratification of the Band Assembly.
- c) If a District Representative does not submit the names of two eligible persons to the Chief Executive within thirty (30) days of a vacancy, the Chief Executive shall appoint an individual to complete the term.
- d) In the event that the vacancy occurs in the Chair position, the Chief Executive shall make the nomination that is subject to the ratification of the Band Assembly.
- e) In the event the Chief Executive fails to nominate a person to fill a vacancy for the Chair position within thirty (30) days of a vacancy, the Secretary/Treasurer shall appoint an individual to complete the term.

Section 8. Powers and duties of the Nay-Ah-Shing School Board

- a) The Consolidated Nay-Ah-Shing School Board shall have power to establish educational policy for the benefit of Band members and non-Band members attending a Band school.
- b) They shall prepare a uniform system of records for the Band's school(s).
- c) They shall have general supervision over all Band 0-12 School Programs and shall establish policy for:
 - (1) approval of requests for any educational, scientific research;
 - (2) minimum criteria for passage to succeeding grades and graduation;
 - (3) appropriate student conduct and disciplinary procedures;

- (4) any satellite/expanded services for Band 0-12 School Programs;
- (5) the preparation and authorization of educational grants and contracts related to all Band 0-12 School Programs;
- (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
- (7) the implementation of rules and regulations for any Band 0-12 School education-related subject-matter statute.

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

Section 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.

Section 10. Hearings

The Consolidated Nay-Ah-Shing School Board shall have the power to hold subject matter public hearings for just cause.

Section 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 of passage of this Act. Said Bylaws shall be ratified by Band Assembly.

Section 12. Responsibility for unacceptable performance of duties

In exercising any powers granted, each Board Member shall not be immune from any responsibility that results from willful, knowledgeable and unacceptable performance of their duties.

Section 13. Meetings

The Consolidated Nay-Ah-Shing School Board may meet up to twice a month with an agenda prepared in advance by the Chairperson. The Chairperson shall give at least twenty-four hour notice for any Special meetings.

Section 14. Powers reserved to Band Assembly

Any and all powers not specifically listed are reserved to the Band Assembly.

Section 15. Powers and duties of Commissioner of Education

The Commissioner of Education shall have general and day-to-day supervisory authority over all non Nay Ah Shing School department employees and the power and duty to:

- a) Attend regularly scheduled and special School Board Meetings;
- 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 education 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) Recommend the employment, discipline or termination of education employees, other than 0-12 School employees, for just cause 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.

Section 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 statute. Authorities granted by the Mille Lacs Reservation Business Committee to said Committees are hereby revoked and rescinded.

Section 17. Admission to Nay-Ah-Shing School

All schools under the jurisdiction of the Band which are supported by band revenue or any funds of the United States shall admit any enrolled member of the Band who is of school age and has not been expelled from any other school for violation of federal law. Notwithstanding the provision of any law to the contrary, the conduct of all pupils attending a Band sanctioned school shall be governed by a single set of reasonable rules and regulations established by the School Board. The School Board shall establish a

single set of reasonable admission standards that shall contain uniform minimum school age entrance requirements.

Section 18. Compulsory attendance of school age pupils

- a) Every child between the chronological age of six and sixteen year 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 CFR, Part 36, Subpart C, Section 36.20(b). Any student between sixteen and eighteen years of age who seeks to withdraw from school, and the student's parent or guardian must (1) attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities, and (2) sign a written election to withdraw from school.
- b) It shall be the duty of the School Board or its designee to determine the legitimacy of all absences from school for any pupil. Excuses for absence shall be determined from uniform standards established by the School Board.
- c) The School Board or its designee shall by registered mail notify the parents or guardians of any pupil who is unexpectedly absent from school. On the fifth unexcused absence from school the School Board shall by registered mail notify the parents or guardians to appear before the School Board for a formal hearing into the matter. Upon the continuation of unexcused absences or upon failure of the parents or guardians to appear before the School Board, the School Board shall request that the appropriate Social Services agency file a civil complaint (Child Protection Petition) in a court of competent jurisdiction.

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

The Nay-Ah-Shing School Board shall have the following obligations under this Ordinance:

- (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 language educational program; and
- (e) to ensure that each graduate can converse in the native language of Ojibwe upon graduation.

Section 20. Bequests, gifts and trusts

The School Board may receive, for the benefit of Indian children in any Band educational program, bequests, donations or gifts for any proper purpose and apply the same to the purpose designated.

Section 21. Records

The School Board shall keep records of all meetings and all transcripts thereof. Such records shall be prima facie evidence of the facts therein stated. They shall also keep records of student achievement, attendance and related issues. All such records shall be private and confidential and shall only be disclosed pursuant to a confidentiality policy adopted by the School Board.

Section 22. Health

The School Board shall establish a policy for physical examinations for all pupils enrolled at Band 0-12 grade schools. Employees of the School Board shall show freedom from contagious diseases in accordance with rules established by the Coordinator of Health Services. The Coordinator of Health Services shall be the Nurse Practitioner/Community Health Nurse at Ne-ia-shing Clinic. The Commissioner of Health & Human Services in conjunction with the School Board shall be responsible for the development of all health related rules, regulations and policies for the 0-12 grade school programs. The School Board shall adopt any such rule, regulation or policy recommended by the Commissioner of Health & Human Services unless they find compelling cause to reject such rule, regulation or policy.

Section 23. Sectarian materials or teaching

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.

Section 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.

Section 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.

Section 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.

Section 27. Veto authority of Chief Executive

The Chief Executive may veto any official action of the School Board within five business days of receipt of any such policy, rule or regulation with concurrent ratification of such veto by the Band Assembly within ten business days. In the event of the Band Assembly's refusal to ratify any such veto, said action of the School Board shall be implemented. If the Band Assembly concurs with the Chief Executive's veto, the official

action of the School Board shall fail to take effect. Upon receipt of notice of any such Executive veto, the Chairperson of the School Board shall appear before the Band Assembly to justify the School Board's official action to the Band Assembly. Such justification shall be submitted in writing at least one day before formal oral hearing before the Band Assembly.

Section 28. Appeals

The Court of Central Jurisdiction shall hear all appeals of Nay Ah Shing School Board personnel decisions.

Section 29. Solicitor General

- a) The Solicitor General shall represent the interest of the School Board in matters before the Court of Central Jurisdiction with the exception of those issues in which the interests of the Band override the interest of the School Board.
- b) Should there be any doubt as to the proper interpretation of any part of this Chapter, the Commissioner of Education shall submit such question to the Solicitor General, who should issue a written opinion thereon.

Section 30. Sovereign Immunity.

- a) Nothing in this chapter shall be construed as a waiver of sovereign immunity of the Mille Lacs Band of Ojibwe Indians in any State or Federal Court of competent jurisdiction.

Ordinance 33-03

Introduced to the Band Assembly on this
Seventeenth day of July in the year
Two Thousand Three.

Passed by the Band Assembly on this
Second day of September in the year
Two Thousand Three.



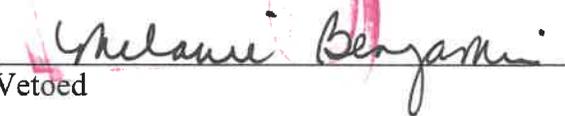
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: _____

Melanie Benjamin, Chief Executive

Date: September 03, 2003



Vetoed

FILED

Date: _____

John Swimmer, Solicitor General

OFFICIAL SEAL OF THE BAND

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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Ordinance 68-12

An Ordinance amending Section 18 of Title 9 (Education) of the Mille Lacs Band Statutes Annotated (MLBSA) to allow the School Board to adjust the mandatory instructional days from 180 days to 175 days when necessary due to exigent circumstances.

The District III Representative introduced the following Bill on the 25th day of June, 2012.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Section 18 of Title 9 (Education) of the Mille Lacs Band Statutes Annotated.

I.

Section 18 of Title 9 (Education) of the Mille Lacs Band Statutes Annotated is hereby repealed in its entirety and replaced as follows:

§ 18. Compulsory attendance of school age pupils

- (a) 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 unless exigent circumstances arise. In that case, at the discretion of the School Board and with the approval of the Band Assembly, the school session may be for no less than one hundred and seventy-five (175) instructional days.
- (b) Any student between sixteen (16) and eighteen (18) years of age seeking to withdraw from school, must have his/her 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 for the minor child to withdraw from school.
- (c) It shall be the duty of the School Board or its designee to determine the legitimacy of all absences from the school for any pupil. Excuses for any absence shall be determined from uniform standards as established by the School Board.
- (d) The School Board or its designee shall by registered mail notify the parents or guardians of any pupil who is unexpectedly absent from school. On the fifth day of any unexcused absence from school per quarter, the School Board shall by registered mail notify the parents or guardians to appear before the School Board for a formal hearing to discuss the matter. Upon the continuation of unexcused absences or upon failure of the parents or guardians to appear before the School Board, the School Board shall request that the appropriate Social Services agency file a civil complaint (Child Protection Petition) in a court of competent jurisdiction.

- (e) Any person who is found guilty of civil violations of this section shall be subject to a fine not to exceed One Hundred (\$100.00) Dollars and no/100. Continued civil violations shall subject the parent or guardian to contempt of court and an additional fine.
- (f) For purposes of this section, parents or legal guardians shall be deemed liable for the truancy of minors who are under their direct supervision in the Court of Central Jurisdiction or any court of competent jurisdiction.

Ordinance 68-12

Introduced to the Band Assembly on this
Twenty fifth day of June in the year
Two thousand twelve.

Passed by the Band Assembly on this
Twenty fifth day of June in the year
Two thousand twelve.



Curt Kalk, Speaker of the Assembly

APPROVED

Date: 6/25/12



Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND