

An Act

Legislative Act 45-21

AN ACT RELATING TO CODIFYING THE BOARD OF EDUCATION FOR SEQUOYAH SCHOOLS

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act should henceforth be referred to as the Act Codifying the Sequoyah High School Board of Education.

Section 2. Purpose

The purpose of this act is to codify the creation of the Board of Education for Sequoyah Schools.

Section 3. Legislative History

Resolution 10-17

Resolution 72-86

LA-09-17

Section 5. Substantive Provisions

1. Sequoyah High School is owned and operated by the Cherokee Nation, and receives funding from the Bureau of Indian Education.
2. The Board of Education for Sequoyah Schools was established by Resolution 72-86 in 1986, under the leadership of Wilma P. Mankiller, as a contract school with the Bureau of Indian Affairs.

Section 6. Board Selection and Composition

1. The Board of Education should consist of five seats; two (2) members appointed by the Office of the Principal Chief and two (2) two members appointed by the Council of the Cherokee Nation. A fifth member should be selected by the majority of the board via a vote. All five seats shall be confirmed by the Council. Each board member should serve a term of three (3) years and have a term limit of two (2) consecutive terms.

2. At least four (4) of the five (5) Board Members shall be citizens of Cherokee Nation and if the remaining Board Member is not a citizen of Cherokee Nation the Board Member must be a citizen of a federally recognized tribe;
3. If a Board Member is a citizen of Cherokee Nation, the Board Member must be a registered voter and qualified to vote in elections of the Cherokee Nation;
4. If Board Members are citizens of Cherokee Nation, at least three (3) of the four (4) must reside within the boundaries of the fourteen (14) county area of the Cherokee Nation and if a Board Member is a citizen of a federally recognized tribe that tribe must be located in the State of Oklahoma;
5. Current Board Members listed below shall remain on the Board until their current terms expire as indicated. Each current Board Member will be serving their first “term” for the purpose of determining term limits.

Member	Status	Appointment	Resolution Number	Length of Term	Specific Term	Term Out
Sheryl Roundtree	Filled	Tribal Council	R-86-16	5 years	12/2016-12/2021	12/1/21
Jeff Limore	Hold-Over	Tribal Council	R-66-16	5 years	7/2016-7/2021	7/1/21
Dewayne Marshall	Filled	Board Selection	Pending Council Passage	5 years	9/2021-9/2026	9/1/26
Lyndon Emberton	Filled	Principal Chief	R-10-21	5 years	2/2021-2/2026	2/28/26
Roberta Gibson	Filled	Principal Chief	R-66-19	5 years	11/2019-11/2024	11/1/24

Section 7. Vacancies and Holdover

Vacancies shall be filled, for the remainder of the existing term, as each seat was respectively appointed. At the end of a term, the Board Member shall holdover until a successor is appointed.

Section 7. Removal from Office

- a) Any member of the Board who, as the result of any legal impediment, is precluded from continued service shall be removed from the board as its next regular meeting or special meeting.
- b) Any member of the board who misses consecutively three (3) regular meetings, and/or six regular meetings within a twelve-month period, may be removed from the board by a

recorded vote if such absences are not determined by the remaining board members to constitute an unavoidable emergency;

c) Additionally, the Tribal Council or the Principal Chief may remove Board Members who each respectively appointed for just cause including: Willful neglect of duties; corruption in office; incompetency; or any conviction involving moral turpitude committed while appointed to the board (minor traffic offenses, and/or other such misdemeanors may not provide cause for removal).

Section 8. Ex-Officio Members of the Board

The Executive Director of the Cherokee Nation Education Department shall be designated as a non-voting ex-officio member of the Board. The Principal Chief may designate other non-employee, non-voting ex-officio members subject to terms and compensation equal to regular Board members except that terms will be defined in the appointment.

Section 9. Operations

The Board, when practical, shall meet on a monthly basis and all board meetings and records shall be subject to Freedom of Information and Privacy Rights 67 C.N.C.A. §101, *et seq.*

Section 10. Powers and Functions

The Board is responsible for:

1. Establishing and endorsing a philosophy of education for the school and academic standards; student rights, school board training, and other such policy and standards as needed;
2. Monitoring overall school operations including procedures, actions and general administrative direction for the school;
3. Recommending discharge or retention of employees in education positions to the Superintendent, however, all employees of Sequoyah Schools are subject to the policies and procedures of Cherokee Nation Human Resources. Those employees who are subject to the Employee Access to Justice Act, 51 C.N.C.A. § 10, *et seq.*, can only be disciplined or terminated in accordance with that Act.

Section 11. Individual Members

The Board, while composed of individuals, acts only as a group. No individual action of a members can bind the board without specific written instructions endorsed by the board as a while, not can the board act legally outside regular or special called meetings. The Board may establish Officer positions within the Board and the process of assigning/electing such positions as needed to carry out the functions of the Board.

Section 12. Compensation

The Board of Education should be compensated monthly at the rate of \$300 per month plus mileage. Mileage is to be calculated at the current government rate during each business month.

Section 13. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.


Section 14. Severability

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

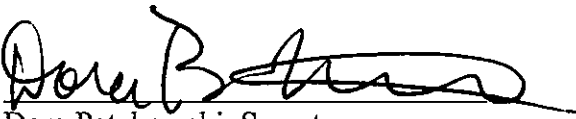
Section 15. Effective Date

The provisions of this act are effective at the date of its passage and are not retroactive.

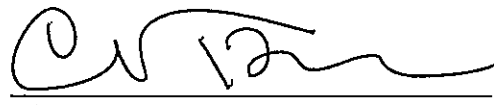
Enacted by the Council of the Cherokee Nation on the 12th day of October, 2021.


Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:


Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of October, 2021.


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		