



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Details (With Text)

**File #:** 21-091      **Version:** 3      **Name:** ACT CORRECTLY ESTABLISHING SHS BOARD  
**Type:** Legislative Act      **Status:** Passed  
**File created:** 9/14/2021      **In control:** TRIBAL COUNCIL  
**On agenda:** 9/30/2021      **Final action:** 10/19/2021  
**Enactment date:** 10/12/2021      **Enactment #:** LA-45-21  
**Title:** AN ACT RELATING TO CODIFYING THE BOARD OF EDUCATION FOR SEQUOYAH SCHOOLS  
**Sponsors:** Candessa Tehee, Shawn Crittenden  
**Indexes:** Boards and Commissions, Sequoyah High School  
**Code sections:** Title 70 - Schools and Education  
**Attachments:** 1. SHS Current Board.pdf, 2. LA-45-21.PDF

Date	Ver.	Action By	Action	Result
10/19/2021	3	OFFICE OF THE CHIEF	Signed	
10/12/2021	3	TRIBAL COUNCIL	Approved	Pass
9/30/2021	2	RULES COMMITTEE	Approved and Forwarded to Council	Pass

### AN ACT RELATING TO ~~AND APPROPRIATELY ESTABLISHING~~ 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 ~~Correctly Establishing~~ Codifying the Sequoyah High School Board of ~~Directors~~Education.

#### Section 2. Purpose

The purpose of this act is to ~~correctly codify and document~~ the creation of the Board of Education for Sequoyah Schools, ~~mirroring Resolution 72-86 that originally created the board and its governing mechanism.~~

#### Section 3. Legislative History

Resolution 10-17

Resolution 72-86

**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.
3. ~~The Board of Education for Sequoyah Schools should operate based on the ordinance to establish the Sequoyah High School Board of Education and utilizing existing bylaws, which were provided to the Office of the Principal Chief.~~

**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. 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. ~~This legislation will repeal Resolution 10-17 and will change section 3 (a), (b), and (c) of the bylaws. 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.