



# Council of the Cherokee Nation

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

## Legislation Text

**File #: R-72-86, Version: 1**

CHEROKEE NATION OF OKLAHOMA  
COUNCIL.

Of The  
CHEROKEE NATION  
RESOLUTION NO. 72-86

A Resolution Establishing a Board of Education for  
Sequoyah High School, A Contract School. Operated by the Cherokee Nation  
of Oklahoma Under the Authority of PL 93-638

WHEREAS, the Tribal Council of the Cherokee Nation of Oklahoma passed Resolution No. 72-85, authorizing the contractual application for the assumption of the administration and maintenance of the Sequoyah High School pursuant to Public Law 93-638, on August 10, 1985; and WHEREAS, the Cherokee Nation of Oklahoma did assume responsibility for the administration and maintenance of Sequoyah High School by virtue

of a contracting with the Bureau of Indian Affairs on November 10, 1985; and

WHEREAS, the local school board for Sequoyah High School upon

the assumption of the contract had been composed of appointed members representative of the Cherokee, Chickasaw, Choctaw, Creek and Seminole tribes of Oklahoma; and

WHEREAS, Sequoyah High School is a tribally controlled contract school, the student body of which is comprised of a majority of Cherokee Indian students;

NOW THEREFORE BE IT RESOLVED the Tribal Council of the Cherokee Nation of Oklahoma does officially establish a Board of Education for Sequoyah High School which has full authority to perform the functions of a school board as required and authorized by the Cherokee Nation of Oklahoma.

CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 13th day of September, 1986

)  
having Eleven members present, constituting a quorum, by the vote  
of Ten yea; nnp nay; - abstaining.

Sohn A. Ketcher, President Cherokee Nation Council

Attest:

Z\*--

Gar D. Chapman, Secretary-Treasurer  
Cherokee Nation of Oklahoma

Approved this 13th

of September, 1986.

(z/

Will P. Mankiller, Principal Chief Cherokee Nation of Oklahoma

CHEROKEE NATION OF OKLAHOMA ORDINANCE TO ESTABLISH THE SEQUOYAH HIGH SCHOOL BOARD OF EDUCATION

ARTICLE I. AUTHORITY AND PURPOSE Section 1. Authority

Pursuant to the Constitution of the Cherokee Nation of Oklahoma (Article V, Section 7); the Acts of Congress (P.L. 93-638), the Indian Self Determination and Education Assistance Act of 1975, and; (P.L. 95-561) Title XI-Indian Education (Education Amendments of 1978); the Cherokee Nation of Oklahoma Tribal Council does hereby enact this Ordinance to establish a Local School Board for Sequoyah High School a Tribally Controlled Contract School.

Section 2. Purpose

The purpose of this ordinance is to make provisions for the appointment and/or selection of the local school board members; define the school board's responsibilities, functions and duties, and; delineate the school board's role and relationship to the Cherokee tribal governing authorities.

Section 3. Definitions

\* Contract School - "Contract School" means a school (other than a public school) which is tribally operated and aided by a financial assistance contract with the Bureau of Indian Affairs.

\* Director of Education - "Director of Education" means the Director of the Cherokee Nation Education Department.

\* Ex-Officio - "Ex-Officio" means by virtue of or because of an office. (The Director of Education serves ex-officio as a member of the board.) An ex-officio member shall not have voting privileges.

\* Local School Board - "Local School Board" (or school board, board, or board of education) when used with respect to Sequoyah High School means a body chosen in accordance with the laws of the Cherokee Nation for service as the official school board.

\* Superintendent - "Superintendent" means the individual in the position of ultimate authority at the tribal contract school.

\* Tribal Council - "Tribal Council" (or Council) means the

legislative body of the Cherokee Nation of Oklahoma.

\* Principal Chief - "Principal Chief" (or Chief) is the principal executive officer for the tribal government.

ARTICLE II. ORGANIZATION OF THE BOARD Section 1. Composition of the Board

The Board shall consist of five (5) tribal members: Two (2) of whom shall be appointed by the Principal Chief of the Cherokee Nation and; two

<2) of whom shall be appointed by the Tribal Council of the Cherokee Nation, and; one (1) of whom shall be appointed at large by the four (4) previously appointed school board members. The Cherokee Nation of Oklahoma Tribal Council shall approve and confirm the appointment of all five (5) school board members.

Section 2. Term of Office

So that Sequoyah High School Board of Education members may serve staggered terms of office, at the time of their initial appointment in September 1986, the four appointed members shall draw for office before the Tribal Council. All such offices shall begin in September 1986 and expire as listed:

Office No.	1	September	1987
Office No.	2	September	1988
Office No.	3	September	1989
Office No.	4	September	1990
Office No.	5	September	1991

The remaining office and term shall be filled by the appointee to be selected by the Sequoyah High School board members.

Thereafter, board members shall be appointed to serve five year terms

(7 of office. Board members may be re-appointed to serve subsequent terms of office: Board members shall serve such additional time as may be required until a replacement is seated.

Section 3. Qualifications of Board Members

a) Board members must be citizens of the Cherokee Nation of Oklahoma as established under authority of the Constitution of the Cherokee Nation of Oklahoma (Article III, Membership);

b) Must be eligible registered voters and qualified to vote in the elections of the Cherokee Nation of Oklahoma;

c) Must reside within the boundaries of the fourteen county area of the Cherokee Nation of Oklahoma;

d) Anyone who is so qualified, and is not an employee of Sequoyah High School; an employee of the Bureau of Indian Affairs, nor a person with an immediate family member, as defined by the Tribal Personnel Policies (Chapter III, Section 5. Nepotism), in a supervisory position within the Sequoyah High School, may serve on the board.

e) In the appointment and/or selection of members, the tribal governing body shall give preference to persons with children in Sequoyah High School and/or those persons with a clear record of support for Sequoyah High School.

Section 4. Vacancies

In the event of death, resignation, removal or the inability of a member to fulfill the requirements of the appointment to the board, a

( replacement will be appointed for the remainder of the unfulfilled term. A position vacated for any reason shall be filled in accordance with the original authority as delineated in Article II, Section 1. Composition of the Board.

Section 5. Removal from Office

a) Any member of the Sequoyah High School 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 and such removal will be subject to the approval of the Tribal Council;

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 in accordance with the provisions of this enactment may remove board members for just cause including: Willful neglect of duties; corruption in office; habitual drunkenness; 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 G. Ex-Officio Members of the Board

The Director of the Cherokee Nation Education Department shall be designated an ex-officio member of the Board. Others whom the Tribal Council and/or the Principal Chief may designate for the purpose of research, planning, development and shall serve until such time as is necessary for the completion of assigned tasks.

ARTICLE III. OFFICERS OF THE BOARD

Section 1. At the first regular meeting of the Board of Education, the board shall organize itself from within its own membership.

Section 2. Committees

The board by resolution, may designate one or more committees, which will have the authority given to them by the full board. The designation of any committee shall not relieve the board of responsibilities imposed on it by the law or the board bylaws.

Article IV. Operations

Section 1. Regular Meetings

Regular meetings of the Sequoyah High School board shall be called by the President of the board and shall be held monthly. The President may call additional special meetings as required.

Section 2. Special Meetings

A special meeting may be called by the President when in his/her opinion such a meeting is required, or shall be called upon the written request of at least three members of the board. The business of special called meetings shall be limited to the matters specified in the call.

The call for a special meeting must either be mailed four days prior to the meeting, and/or in emergency situations, board members may be notified by telephone.

Section 3. Annual School Meeting

The Board of Education may choose to meet with all school personnel at least annually, as set by the President in coordination with Sequoyah High School Superintendent and the Cherokee Nation of Oklahoma Director of Education.

Section 4. Rules

Meetings shall be conducted in accordance with Robert's Rules of Order.

( Section 5. Quorum

A quorum for the board shall be three members. Once a Quorum has been established the board may conduct business.

Section 6. Executive Session

All board meetings shall be open to the public, except: 1) When discussion shall concern employment, retention or discharge of Sequoyah High School personnel; 2) when the question of moral turpitude of any employee of the Sequoyah High School is discussed; or 3) when the decorum of the audience shall prejudice or inhibit orderly administration of business; 4) in the event that the consideration of a subject shall take place in Executive Session, that vote shall take place in an open meeting.

**Section 7. Compensation of Board Members**

- a) Subject to availability of funds, members of the board may be compensated for costs of attendance at meetings, at rates equal to those set by the Tribal Council for its members and travel at the prevailing tribal rate, but not other form of compensation shall accrue to members of the board.
- b) School board training and compensation for attendance at such ♦ training shall be approved in advance by the President of the board ( subject to the availability of funds.
- c) Any and all School board operating funds shall be accounted for by the tribal finance officer.

**Section 8. Individual Members**

The board, while composed of individuals acts only as a group. No individual action of a member can bind the board without specific written instructions endorsed by the board as a whole, nor can the board act legally outside regular or special called meetings that are duly called. The board shall strive to act as often as possible through board resolution, rather than simple motion.

**ARTICLE V. POWERS AND FUNCTIONS Section 1. Policy Making**

The board is responsible for:

- a) establishing or endorsing a philosophy of education for the school;
- b) establishing or endorsing policy relating to all school operations;
- c) monitoring overall school operations including procedures, actions and general administrative direction for the school;
- d) approval and/or disapproval of employment of school administrators.
- e) insuring that due process has been maintained in the dismissal of school employees. The board shall review all appeals of school employees and shall recommend retention or dismissal. Should an employee not accept the board's recommendation, the appeal shall be forwarded to the Personnel Office and the Director of the Cherokee Nation Education Department for further action as outlined in the Cherokee Nation of Oklahoma Personnel Policy.
- f) recommend discharge or retention of employees in education Positions;
- g) ratify, reject; amend or revise the school's financial plan as submitted by the Superintendent;
- h) establish policy for the development of academic standards; finance; personnel; student rights; quarterly/annual reporting; school board training and other such policy and standards as needed;
- i) communicate with the parents and tribal community members regarding all aspects of the school program.

**Section 2. Relationship with School Superintendent**

The School Superintendent is the chief executive officer of the school. The board shall seek his/her advice, counsel and recommendation

0 on all matters of school policy. The superintendent is responsible for recommending, selection and assignment of teachers. This responsibility may not be delegated, although others may be asked to assist in the appraisal of qualification of candidates. In every case, the superintendent shall make the final recommendation to the Board of Education for employment. The board shall approve or disapprove such recommendations, appointments, and renewals of contracts and including approval or disapproval of the discharge and/or termination of employees.

Board members will not deal with the day to day administration of school operations nor give directions to education or support personnel. All matters pertaining to school employees shall be handled through the superintendent.

**Section 3. Relationship to the Tribal Governance**

The board is an entity created by the Tribal Council through enactment of this ordinance (Article I, Authority). At any time and for good cause the Tribal Council may dissolve or reconstitute the board by enacting an ordinance for that purpose. Decisions of the school board shall be transmitted to the Clerk of the Tribal Council and to the Office of the Chief as shall copies of all resolutions and minutes of the school board. The President of the board shall report to the Tribal Council monthly and at any other time requested by the Council. The board shall confer with the Council in all matters of common concern.

**c, Section 4. Relationship with the Chief**

The Principal Chief in accordance with the Constitution of the Cherokee Nation of Oklahoma, is vested with the sole power to enter into contracts on behalf of the Sequoyah High School Board, and, as principal executive officer for the Tribal government, shall have review over the Sequoyah High School board's recommendations, resolutions, and other actions.

**ARTICLE VI. MISCELLANEOUS Section 1. Savings Clause**

In the event that any portion of this ordinance violates federal law, other tribal ordinances or tribal law, the portions not in violation shall remain valid and in effect.

**Section 2. Amendments**

This ordinance may be amended by majority vote of the Tribal Council at any time and in accordance with prescribed Council procedures, and, provided, that the board and the Principal Chief have been notified of the pending amendments prior to meeting and the input of the board has been solicited.

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