

ARTICLE I. GENERAL PROVISIONS

CHAPTER 1. TITLE, PURPOSE, DEFINITIONS

SECTION 1101 Title

This ordinance shall be known and cited to as the “Education Code of the Blue Lake Rancheria Tribe of California” or the “Education Code”

SECTION 1102 Statement of Purpose and Intent

1. The Tribe recognizes the people of the Blue Lake Rancheria are its most valuable and important resource. The Blue Lake Rancheria, as a sovereign tribe residing within the United States, reorganized under the Indian Reorganization Act of 1934 (IRA; 25 U.S.C. §476), has a constitutional responsibility to its members to oversee and direct their education in whatever schools or school system they are receiving instruction and/or training, to assure that their education provides excellence in the academic program, and high but realistic academic standards and career expectations for all its members.
2. The goal of all education and training for Tribal Members is self-sufficiency in its most comprehensive form. Of critical importance to the Tribe in the achievement of this goal of self-sufficiency is the use and practical application of academic instruction and training by Tribal Members towards realizing the attainment of degrees and certifications in their respective career areas. Self-sufficiency of an individual, his/her family, and ultimately the community of which the individual is an integral part is critical to the attainment of this goal of self-sufficiency. However, of primary importance is the development of internal expertise to contribute towards the advancement and progress of the entire Tribe towards self-sufficiency.
3. In order to achieve this goal of self-sufficiency, the Blue Lake Rancheria declares that an appropriate education for its Tribal Members is one that promotes and encourages the following:
 - a. The formulation of age, grade, and/or developmentally appropriate competencies in all basic areas of academic and cognitive skills;
 - b. Competence in English language skills and knowledge of United States culture;
 - c. Development of Tribal and United States citizenship;
 - d. Self-discipline, self-determination, and positive self-concept;
 - e. A comprehension and promotion of tribal culture and values; and
 - f. An attitude towards education which encourages lifelong learning.
4. This Education Code provides for accountability from all those involved in the education process: the student, the parents, education providers, the Tribal Education Agency, the Tribal government, and the community.
5. The Tribe shall commit sufficient resources, funds, and/or monies towards the achievement of the education goal and the implementation of these policies set forth in this Education Code. In addition, this

Education Code shall serve to assure the members of the Blue Lake Rancheria that the funds committed to education are spent for that purpose in a fair and equitable manner.

6. This Education Code establishes the law of the Blue Lake Rancheria respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed, with a view to effects its objects and to promote justice.
7. Whenever reference is made to any portion of this Education Code, the Constitution or other Ordinances of the Blue Lake Rancheria, or of any law of the State of California, or the laws of the United States, such reference applies to all amendments and additions now or hereafter made.
8. Title, division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this Education Code.
9. If any provision of this Education Code, or the application thereof to any person or circumstances is held invalid, the remainder of the Education Code, and the application of such provision to other persons or circumstances, shall not be affected thereby.
10. Whenever a power is granted to, or a duty is imposed upon, an officer of the Tribal Education Agency, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to Tribal law, by the officer, unless this Education Code expressly provides otherwise.
11. Words giving a joint authority to three or more Tribal or public officers or other persons are construed as giving such authority to the majority of them, unless it is otherwise expressed in the provisions of the Education Code giving the authority.
12. Unless the provisions or the context otherwise requires, these general provisions, rules of construction, and definitions shall govern the construction of this Education Code.

SECTION 1103 Definitions

1. "Academic Term" means the duration of one (1) quarter, one (1) semester, or one (1) other segment for course of study, including appropriate amount of summer sessions as required by specific instruction.
2. "Academic Year" means the duration of three (3) quarters, or two (2) semesters, including appropriate amount of summer sessions as required by the specific instruction.
3. "Applicant" means any person who has applied for financial assistance from the Blue Lake Rancheria.
4. "Authorized Transfer" means officially withdrawing from an institution and enrolling in another with prior approval from the Board of Education.
5. "Board" means the Board of Education
6. "Board of Education" means the duly elected governing body of the Blue Lake Rancheria Tribal Education Agency.
7. "Business Day" means any day except a Saturday, Sunday or a holiday officially recognized by the Blue Lake Rancheria.

8. "Continuing Applicant" means an applicant who is no longer a first time applicant, having been awarded financial assistance for the preceding academic term and already has a student file on record with the Office of Post-Secondary Education.
9. "Credit Hour" means a unit of measurement referring to the amount of credit a student receives for completion of one (1) or more courses per academic term. Credit Hours are measured differently according to whether the institution the student is attending is on a quarter or semester system. In general, the Office of Post-Secondary Education refers to semester credit hours, whereby one (1) quarter hours equals 66% of a semester credit hour.
10. "Director" means the Executive Director of the Blue Lake Rancheria Tribal Education Agency.
11. "Disability" includes mental and physical disabilities as defined in the Individuals with Disabilities Education Act 20 U.S.C. § 1401(3), as amended.
12. "Education institution" means a tribal, public or private preschool, elementary, or secondary school or institution; the Board of Education of a Tribal Education Department, Tribal Education Agencies, or school district; or any combination of Tribal Education Departments, Tribal Education Agencies, County Departments of Education, community college districts, elementary or secondary school districts recognized as the administrative agency for public elementary or secondary schools, or Regional Occupational Centers and Programs.
13. "Education Levels" means education levels for the purpose of this Education Code and its administration shall be defined as the following:
 - a. Pre-School – all children and programs/projects with children below Kindergarten (grade K).
 - b. Primary – all students and schools, programs, and projects with students in grades K-8.
 - c. Secondary – all students and schools, programs, and projects with students in grades 9-12.
 - d. Post-Secondary – all students and schools, programs, and projects with students above grade 12.
14. "Full-Time Student" is enrollment in a college, university, graduation school, or professional school as defined by the institution in which the student is enrolled. The Office of Post-Secondary Education further defines Full-Time Student to be enrolled in twelve (12) or more credit hours.
15. "Gender" means sex, and includes a person's gender identity and gender expression.
16. "Gender expression" means a person's gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
17. "Half-Time Student" is enrollment in a college, university, graduation school, or professional school as defined by the institution in which the student is enrolled. The Office of Post-Secondary Education further defines Half-Time Student to be enrolled in six (6) or eight (8) credit hours.
18. "Nationality" includes citizenship, country of origin, and national origin.
19. "Race or ethnicity" includes ancestry color, ethnic group identification, and ethnic background.

20. "Recipient" means an applicant who is awarded financial assistance from the Tribe via the Tribal Education Agency and its Board of Education.
21. "Religion" includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.
22. "Reservation" means all the lands which are held in trust or restricted status within the exterior boundaries of the Blue Lake Rancheria.
23. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:
 - a. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
 - b. Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual.
 - c. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
 - d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
24. "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.
25. "Student" means an applicant or recipient currently enrolled and attending a primary or secondary school, high school preparatory institution, a post-secondary institution, a graduate school, a professional school, or a vocational institution.
26. "Three-Quarter Time Student" is enrollment in a college, university, graduation school, or professional school as defined by the institution in which the student is enrolled. The Office of Post-Secondary Education further defines Three-Quarter Time Student to be enrolled in nine (9) or eleven (11) credit hours.
27. "Tribal Member" means a person who is enrolled with the Blue Lake Rancheria.
28. "Tribe" means the Blue Lake Rancheria Tribe of California.
29. "Tribal Council" means the Tribal Business Council of the Blue Lake Rancheria as defined in Article V of the Tribe's constitution.
30. "Undergraduate Applicant" a post-secondary applicant pursuing an associates or baccalaureate degree. Applicants qualifying under this definition shall be subject to all Office of Post-Secondary Education Student Scholarship Award Program requirements.