

CHAPTER 4. TRIBAL EDUCATION AGENCY, BOARDS, AND OFFICES

SECTION 1401 Tribal Education Agency

1. The Tribe's Tribal Education Agency is the designated administrative agency within the Tribal government with the responsibility for implementing and enforcing the Education Code, policies, and rules and regulations of the Tribe.
2. The Tribe's Board of Education in cooperation with the Executive Director of the Tribal Education Agency are delegated the responsibility and authority for developing standards in the form of education policies and procedures and providing oversight of the education laws of the Tribe as specified in this Education Code. The policies and procedures shall accomplish the following:
 - a. Provide career guidance to all students;
 - b. Encourage and promote academic excellence, and sponsor students in academically rigorous fields of study;
 - c. Require students to remain within their postsecondary educational programs until the completion of their degrees and/or certifications;
 - d. Encourage students to return and provide service to the Tribe;
 - e. Provide job and career opportunities and incentives to students to facilitate their return and service to the Tribes;
 - f. Encourage students to choose postsecondary programs which are appropriate so their career needs and to their academic preparation;
 - g. Provide academic scholarships for students with high academic achievement;
 - h. Enable students to prepare, retrain and upgrade their skills for new and changing professions and occupations on a full or part time basis;
 - i. Encourage and provide for the pursuit of graduate level degrees, particularly in fields which support the defined developmental goals of the Tribe; and
 - j. Provide a range of financial assistance resources including academic scholarships, grants based on need, graduate fellowships, supplemental stipends to graduate students, and may also include privately endowed grants and scholarships.

SECTION 1402 Board of Education

1. Establishment

The Tribe will establish a Board of Education via General Council Election on 12/28/2019.

2. Organization and Functions of the Board

The first regular meeting in January of each year shall be the organizational meeting. The Board will approve the meeting calendar for the fiscal year at the organizational meeting. At the Board's first meeting on or after the Second Monday in January each year, the Board shall elect a president and vice-president from its

members, each of whom shall serve for one year, or until his/her successor is elected. The Board is responsible for the establishment and maintenance of a system of free public schools for all children residing within the boundaries of the Tribal Education Agency, and may make all necessary rules and regulations for the government and conduct of schools consistent with the laws of the Blue Lake Rancheria. The governance of the Tribal Education Agency shall be vested in the Board.

3. Composition

The Board of Education shall be comprised of a President, Vice-President, and three (3) other board members elected by secret ballot by the General Council.

- a. Three (3) board members will be elected from the General Council of the Blue Lake Rancheria as defined in the Constitution of the Blue Lake Rancheria Article V, Section 1 Electorate.
- b. Two (2) board members will be elected from residents residing within the boundaries of the Blue Lake Rancheria and/or within the 95525 zip code.
 - i. Proof of residency will be required at the time of submission of candidacy

4. Election of Officers

The election of officers shall be by open ballot, with each member issued ballots with his/her name inscribed for identification. Each member may vote for any member of the Board and successive ballots shall be taken until one member receives four votes. In such event, that member shall be declared the President for the period of one year or until his/her successor is elected. The election of the vice-president shall be conducted in the same manner as the election of the president. The vote of each Board member will be read into the record after the conclusion of each vote, and votes will be recorded in the BOE Minutes. The newly elected president and vice-president shall assume their duties at the conclusion of the Board meeting in which they were elected.

5. Board of Education Officers

In addition to the duties prescribe by law or by the rules of the Board of Education, the President shall exercise such other powers as properly pertain to the office or may be delegated by the Board. The Vice-President will perform the duties of the President in the absence of the President.

- a. The duties of the President shall be to preside at all sessions of the Board, to preserve order, to enforce rules, to sign all legal documents required by the statutes, and to appoint members of the Board-authorized committees.
- b. The President shall serve as official spokesperson for the Board or shall appoint another members as his/her designee in communications with the media.
- c. It is the duty of the President, when the Board is not in session, to act on any emergency matter which may arise and, at the next regular meeting, to report whatever action was taken.
- d. The President shall appoint Board members, school personnel, or citizens to serve on committees for the Board and other agencies. The President will announce all available appointments at the

Board table. Board members will have the opportunity to respond. The President will make the appointments at the next Board meeting with the consensus of the Board. The Board President shall ensure that appointments are made on a fair and equitable basis.

- e. The President shall establish liaison with other governmental agencies to assist in cooperative action.
- f. It is the duty of the President to provide the necessary leadership to help individual Board members serve productively as part of the Board and also to assist the Board in being a cohesive whole.
- g. It is the responsibility of the President to be available for counsel to the Executive Director of the Tribal Education Agency.
- h. At all meetings of the Board, the President shall exercise privileges as a Board member including the power to vote on any question put to the vote of the Board. Normally, the President will not make or second motions but may at his/her discretion.
- i. In the absence or inability to act of both the President and Vice-President, the remaining members will select a member to act in that capacity.

6. Board of Education Agendas, Calendars, & Meetings

The Board shall meet in regular session at least once each month and shall schedule other official meetings and committee meetings as are necessary. The procedures for BOE Agendas and general information about Board meetings are set for in this Education Code. The Executive Director of the Tribal Education Agency or their designee, shall establish a 12-month calendar of Board of Education meetings each January. Once adopted, this calendar will be changed only by a majority vote of the Board, except in the case of emergency when the Board President shall be permitted to make a change, or special meetings as noted in this Education Code.

a. Location, Time, and Types of Board Meetings

All regular meetings, special meetings, and Committee of the Whole meetings shall be open to the public, except in cases where the matter under discussion would involve confidentiality; in these cases, business will be conducted in closed session of the Board of Education. Meetings shall be held in accordance with the following provisions:

i. Regular meetings.

Each year in January, the Board shall adopt a resolution specifying a regular location, regular hour, dates, and weeks of the month for Board meetings. This resolution shall also provide that if the regular meeting day occurs on any day when administrative offices are close, the regular meeting shall be scheduled by the Board on an alternate date in the annual resolution, commencing at the same hour. This resolution may specify that any regular meeting may be adjourned to another time

and place. In case it is necessary to hold a meeting at a different place, the Executive Director of the Tribal Education Agency, or their designee, shall notify in writing each Board member, and take appropriate steps to notify the public.

ii. Special meetings.

Special meetings may be called at any time by the Board President or by joint action of any three Board members. Written notice, stating the time and place of any special meeting and the purpose for which it is called, shall, unless waived, be given each member of the Board at least two days in advance of such meeting. No business other than that stated in the notice of such meeting shall be transacted at such meeting. Public comment will be allowed only during Public Communications on topics that pertain to agenda items on the special agenda, excluding Executive Session.

iii. Committee of the Whole meetings.

The Board of Education may meet as a Committee of the Whole in order to consider issues informally and with greater freedom of debate. No binding action may be taken by the Board in a Committee of the Whole meeting, and discussions are not entered into the official record. Committee of the Whole meetings will be scheduled by the Board of Education as needed on alternating Mondays to regular meeting dates. The Board may also meet from time to time in special committee meetings as called by the President of the Board, or by joint action of any three members of the Board. All reports prepared by the administration for Committee of the Whole meeting are to be submitted to the Board at least three days prior to the Committee of the Whole meeting, unless the majority of the Board waives this requirement. When scheduling Committee of the Whole meetings, efforts will be made to coordinate the meetings with schedules of Board members.

b. Interactive Communications between Board Members

Interactive communications between Board members ("serial meetings"), including serial meetings that occur with the Executive Director of the Tribal Education Agency and/or other TEA staff members present, must be open to the public if the serial meetings include the three criteria listed below:

- i. Involve a majority of the membership of the Board of Education;
- ii. Share a common topic of discussion concerning the business or affairs of the Blue Lake Rancheria Tribal Education Agency; and
- iii. Are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the Board of Education.

Interactive Communications will be used for information purposes only.

c. Notice of Board Meetings

The Executive Director of the Tribal Education Agency or their designee, shall notify each Board member of the date and time of all regular and special Board meetings, four days prior to a regular meeting and two days prior to a special meeting whenever possible. Meeting notices will be provided when a meeting date or time has been changed or a special meeting is scheduled.

- i. Notice of the date, time, and place of any meeting of the Board shall be provided to news media and other persons requesting such information. The Executive Director of the Tribal Education Agency or their designee may be contacted for meeting information, and this information is also available on the Board of Education's website.

d. BOE Agenda and Appendices

The Executive Director of the Tribal Education Agency, their designee, and/or designated administrative staff shall approve all agenda items before they are placed on the Board agenda. Items for the agenda shall be submitted to the Executive Director at least ten days before a regular meeting is scheduled.

i. BOE agenda items

Items for BOE consideration shall state clearly the topic to be considered, contact person(s) funding source/budget year (if applicable), strategies, purpose, and as applicable the Executive Director's recommendation and the action requested of the Board.

ii. Appendices

If appropriate, supporting material in the form of an Executive Summary will be included in the Appendices. An Executive Summary may include an explanation of the Background (history), current status, program evaluation, and/or the basis for the recommendation, as appropriate.

iii. Agenda Planning

The Executive Director of the Tribal Education Agency, and/or their designee, the President, and Vice-President, and one other member of the Board to serve on a rotational basis, if available, and other designated administration staff shall meet to review the agenda of a regular meeting prior to publication. In setting the agenda, the President of the Board shall determine items that should be discussed at least at one Board meeting before action is taken. Items that involve a large expenditure of funds, which have a high level of public interest, or which constitute a major change in school programs, should appear on the agenda one meeting prior to Board action. Major revisions to Board policies and/or new policies shall be presented at one Board meeting prior to Board action, unless waived by a vote of the majority of the Board. In reviewing the agenda, the President and

Vice-President shall estimate the amount of time which should be allocated for discussion and/or action on agenda items(s). Certain agenda items may be designated time-specific in order to facilitate participation by the community.

iv. BOE Agenda file

The BOE Agenda file for a regular meeting shall be provided electronically to Board of Education members on the Wednesday prior to the meeting. The full BOE Agenda with Appendices shall be published on the Tribal Education Agency website on the Thursday prior to the meeting.

e. BOE Meeting Calendar

The Board of Education is required to adopt a board calendar or to make a determination that the board calendar will be adopted at a later date during the calendar year. The Board will make a determination to adopt a resolution approving the Board meeting calendar at the first regular meeting in January.

f. Board Members Responsibilities

Board members should be prepared for every meeting, i.e., reading the agenda and participating in agenda review. Prior to each meeting, the Executive Director of the Tribal Education Agency shall offer all Board members and opportunity for agenda review.

g. Addendum Items

Addendum items to the BOE Agenda shall be added to the agenda only if these items are of an emergency nature and are authorized by the Executive Director of the Tribal Education Agency prior to the Board meeting that these addendum items are requested.

h. Meeting Proceedings

All Board meetings shall be conducted in accordance with the order of the agenda published on the Tribal Education Agency's website unless amended or changed by consensus or a vote of the Board.

i. Order of Board Meeting Business

The order of business of all regular meetings should normally be as follows:

i. Preliminary items

Roll Call, Moment of Silence, Pledge of Allegiance, Reports, Public Communications, and Consent.

ii. Consent agenda

Routine items of business will be placed on the agenda under Consent. If a Board member has a question about any item on the consent agenda, that item can be pulled from the consent agenda and considered as a separate agenda item, unless otherwise directed by

the Board of Education. The purpose of the consent agenda is to expedite routine business. At the discretion of the presiding officer, items pulled from the consent agenda may be moved to the end of the business meeting.

iii. Agenda items requiring Board action or discussion

iv. Miscellaneous

1. The Executive Director's Report

The Executive Director of the Tribal Education Agency will provide a report each meeting which may include updates on items relevant to the Board of Education

2. BOE Reports, Requests for Information, and Requests for Agenda Items

Board members may give reports regarding Tribal Education Agency education-related items. Board members may also make requests by submitting a Board Request Form to the Executive Director or their designee, or to the President of the Board during the Board meeting. These reports and requests will be recorded in the BOE Minutes.

3. New Business

Agenda items may be introduced by any Board member under New Business.

a. No action shall be take on these items except on rare occasions when the matter is time-sensitive and when the majority of the Board votes to take up the item.

b. Upon the majority vote to do so, the Board may take action on such item.

j. Changing the Order of Business

The order of business may be changed temporarily by the presiding officer, unless there is an objection by the majority of the Board.

k. General Meeting Procedures

The President (or Vice-President in the absence of the President) will preside at all meetings. In the absence of both the President and the Vice-President, the members present shall elect a President pro tempore who will serve only for that meeting or for that part of the meeting in which the President and Vice-President are absent. Any member of the Board who wishes to make a motion, second a motion, or discuss pending business will first secure recognition of the Board President. All formal actions of the Board will be taken by ordinary motions unless a formal resolution is required by law or preferred by the Board.

I. Discussion of an Agenda Item

It is not necessary for a motion to be before the Board in order to discuss an agenda item. In the ordinary course of events:

- i. The Board President will request the item.
- ii. The Executive Director of the Tribal Education Agency or their designee, will read the item and the recommendation.
- iii. Members of the public who have registered with the Executive Director may speak on the item on the table.
- iv. The party who submitted the item (Board member, Executive Director, or designee) will be available to make a brief explanation regarding the item or to respond to questions from the Board if requested to do so. Only the president or Executive Director shall request administration or staff to address the Board on an agenda item.
- v. Board members will discuss the item, if so desired.
- vi. A Board member will present the motion and receive a second. A Board member making a motion may subsequently speak for or against that motion.
- vii. Board members will further discuss the item, if so desired.
- viii. The President or a Board member will call for the vote.

m. Full and Open Discussion

- i. It is the Board's intent to conduct its business in a way that encourages full and open discussion. Debate by Board members shall not be unreasonably restricted.
- ii. The presiding officer is responsible for conducting the meeting in a time-efficient and purposefully effective fashion.
- iii. The presiding officer has the authority to use processes that encourage full Board participating in an equitable manner, i.e., calling on Board members to ask if they have comments or questions, round robin questioning, or setting time limits on Board members' comments. The procedure and guidelines described in this Education Code are to ensure equitable participation by Board members.

n. Motions

The following motions will be in order:

- i. To recess;
- ii. To take action;
- iii. To amend a motion to take action, but this amending motion will be disposed of before any other motion to amend the main motion will be in order;

1. If the Board member who made the main motion accepts the amended motion, the amended motion will take precedence over the main motion.
 2. If the Board member who made the main motion does not accept the amended motion, the Board President will call the question of the Board as to whether the amended motion should be accepted or not accepted.
 3. If the amended motion is accepted, it will take precedence over the main action. If the amended motion is not accepted, the main motion will take precedence.
 4. A Board member's vote on the acceptance/non-acceptance of amendment does not obligate him/her to vote in a particular way on the amendment to which the motion applies.
- iv. To defer action, either indefinitely or to specific time, date, and place;
 - v. To go into Executive Session; and
 - vi. To adjourn, either indefinitely or to a specific time, date, and place.

o. Board Voting

- i. Voting shall be conducted by paper ballot.
- ii. The vote or the failure to vote of each member shall be recorded in the minutes.
- iii. Any member who abstains from voting, except as otherwise provided for herein, shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until voting on the issue is concluded and the member who abstains from voting thereby shall not be counted as having voted.
- iv. A majority of the full membership of the Board shall constitute a quorum from conducting any business of the Tribal Education Agency, and the vote of a majority of the full membership of the Board shall be required for the passage of any motion or resolution.
- v. Members must be physically present at Board of Education meetings to vote on agenda items.
- vi. In the event a Board member is unable to be present to vote on a specific item, that Board member may request to the Board President that the item be deferred. This request may be granted unless by delaying the vote, it would result in a loss of funding, conflict with Board, policy, or result in other unfavorable consequences to the issue of project.

p. Public Comment: Speaking Privilege of Non-members

- i. The Education Code of the Blue Lake Rancheria requires all meetings of the Board to be held in public but does not require the Board to take public comment. The Board recognizes the importance of public comment. The Board President has the authority to limit public comment to 20 non-members at any meeting. Public comments should be relevant to items of the Board meeting agenda or to items generally within the jurisdiction of the Board.
- ii. Speaker during Public Communications. A non-member who desires to address the Board under Public Communications must register with the Director's office by noon the day of the meeting, giving his/her name, address, phone (if available) and topic to be addressed. A non-member may also register at the meeting site until 10 minutes prior to the beginning of the meeting. At the time of registration, speakers will be notified that their comments should be limited to the registered topic and should not include personnel matters and/or issues that would violate the privacy of students. Speakers will be asked to provide 7 copies of any handouts to the Director's table for distribution at the Board table. A non-member may not be registered to speak by proxy, except as an ADA/504 accommodation. If an elementary or middle school student wishes to speak before the Board, both the student and the parent/guardian must register, and the parent/guardian must accompany the student to the Board meeting. When public comment is allowed, up to 10 non-members may address the Board during the Public Communications section of the agenda. Speakers are limited to three (3) minutes. Speakers will be taken on a first come, first serve basis until the maximum is reached. Persons who register with the Director's office prior to noon on the day of the Board meeting will have their names, addresses, and topics listed on the agenda published on the TEA's website. When several members of one group or organization wish to speak to the Board concerning a specific topic, the group shall be asked to appoint a spokesperson to conserve time. A person who attempts to sign up to speak but who is unable to speak because the Public Communications time period has been filled, shall be given first priority to be a speaker at the next Board meeting. At the discretion of the President, a non-member may be granted up to an additional 30 seconds of speaking time.
- iii. Speaker during Agenda Item. A non-member may address the Board at the time a specific agenda item is discussed, provided they register using the above procedure. Individual speakers may address the Board on any agenda item during a meeting and may speak only once during a meeting on the same topic. Speakers during agenda items are limited

to three (3) minutes. At the discretion of the President, a non-member may be granted up to an additional 30 seconds of speaking time.

- iv. The Board of Education will not permit the use of its open meetings for attacks by public speakers on the personal integrity, character, or competency of any employee and/or student of the Blue Lake Rancheria Tribal Education Agency. If any member of the public feels compelled to share viewpoints of this nature, he/she may request the Board to receive such comments in Executive Session.
- v. The President may interrupt or terminate an individual's speaking privilege if the speaker's comments are unduly repetitious, disruptive, or obscene. The President may interrupt to caution an individual that a personally directed statement may be slanderous or defaming and that the individual will be personally liable for his/her statements. The Board will have the final decision if the President's ruling is challenged.
- vi. The President may deny any individual speaking privileges if previous conduct of the individual has indicated that the orderly conduct of a meeting may be threatened by that person's appearance.
- vii. Other communication to the Board. Members of the public may contact Board members using contact information available on the TEA's website, phone directories, or from the Director's office. Anonymous oral and/or written communication submitted to the TEA will not be forwarded to Board members.

q. Sergeant at Arms

A security employee shall serve as Sergeant at Arms for the Board and shall be present at meetings upon request.

r. Interference with the Conduct of Public Business at Board of Education Meetings

Persons attending Board meetings shall not interfere with the conducting of public business at Board meetings. For purposes of this rule, interference with the conducting of public business shall be defined to be willfully impeding, disrupting, or hindering the normal proceedings of any meeting of the Board, and shall include unauthorized remarks from the audience, stamping of feet, whistles, clapping, yells, and similar demonstrations that impeded, disrupt, or hinder the normal proceedings of any meeting of the Board. The presiding officer shall have authority to direct the Sergeant at Arms to remove person from the room who engage in conduct that interferes with the conducting of public business. In case the presiding officer shall fail to act, any member of the Board may move to require the presiding officer to act to enforce the rules. An affirmative vote of the majority of the Board members shall require the presiding officer to act.

s. Executive Session

The Board may recess (not adjourn) to Executive Session, upon formal motion made, seconded, and passed. The motion for the Executive Session shall include a statement of (1) justification for closing the meeting, (2) the subjects to be discussed during the Executive Session, and (3) the time and place at which the open meeting shall resume. Executive Session shall be closed to the public. No binding action shall be taken during Executive Sessions, and these sessions shall not be used as subterfuge to defeat the purposes of having an open public meeting. Discussion during the closed or Executive Session shall be limited to those subjects states in the motion. No subjects shall be discussed at any closed or Executive Session except as set forth in the ordinances of the Blue Lake Rancheria.

t. Subjects for an Executive Session

Motions and discussion are limited to the following subjects:

- i. Personnel matters for non-elected personnel;
- ii. Consultation with an attorney which would be deemed privileged in attorney-client relationship;
- iii. Matters relating to employer-employee negotiations;
- iv. Matters relating to actions adversely or favorably affecting a person as a student;
- v. Preliminary discussion relating to the acquisition of real property;
- vi. Matters relating to the security of the Board, the school(s), school buildings or facilities, or the information system of the school(s).

u. BOE Meeting Minutes and Approval of Minutes

The Director, or their designee, will provide Board members, and designated administration staff a draft of the unapproved minutes within two (2) business days following the meeting for which those minutes pertain. Minutes of a Board meeting will be placed on the consent agenda for the next consecutive regular or special board meeting. Unapproved minutes will also be published in the Appendices of the next BOE Agenda. The BOE Minutes become the official record of a Board meeting only after the Board approves those minutes. Board members may vote on the minutes of a meeting they did not attend.

v. Authority of Board Members

Board members have authority only when acting as a Board of Education legally in session. The Board shall not be bound in any way by any statement or action by any individual Board member or employee except when this statement or action is in pursuance of specific instructions by the Board o in administering the policy of the Board.

w. Change of Organizational or Operational Procedures

Any amendment to organizational or operational procedures of the Board of Education described in this Code shall be presented in writing at a regular meeting of the Board and shall be tabled to the next meeting of the Board from the time of presentation. The amendment shall require the favorable vote of a majority of the full membership of the Board.

7. Reviewing Action

The Board of Education has final authority within the provision of the ordinances of the Blue Lake Rancheria for the operation of its schools. No section of these policies and procedures may be construed to limit the statutory powers of the Board of Education to exercise its own judgement on the basis of recommendations from the Executive Director of the Tribal Education Agency. To accomplish this function, the Board must have timely access upon request to any information and/or documents in the possession of the Tribal Education Agency unless such access is expressly prohibited by law.

8. Adoption and/or review of Policies

It is the responsibility of the Board to adopt and evaluate the effectiveness and implementation of policies. The policies shall be published electronically. The administrator responsible for each policy shall review each policy at least annually to ensure the policy meets the needs and function of public education. As needed, the Executive Director of the Tribal Education Agency shall appoint a policy committee including two Board members appointed by the Board President. Any revision in Board policy or administrative implemental procedures is subject to the approval of the Board. Types of policy efforts include:

a. Minor Policy Revisions

Proposed minor revisions may include, but not be limited to, revisions involving policy number, position titles, school building names, and system alignment items. In addition, minor revisions may include combining similar content among policies, deleting obsolete policies, and moving policy content to procedural handbooks if appropriate. Proposed revisions will be approved first by appropriate department leaders, with final approval by the Executive Director of the Tribal Education Agency or their designee. These revisions do not require external advisory council or committee review, and will be presented to the Board for review and appropriate action in the Consent section of the BOE Agenda.

b. Revisions to Existing Policy as a result of Federal, State, or Local Law or Regulation

Proposed revisions will be approved first by appropriate department leaders, with final approval by the Executive Director of the Tribal Education Agency or their designee. These revisions require Board counsel and Tribal Education Agency Leadership Team review, and will be present to the Board for review and appropriate action in the Consent section of the BOE Agenda.

c. New Policy or Major Content Revisions to Existing Policy

Proposed new policy or major content revisions will be approved first by appropriate department leaders, with final approval by the Executive Director of the Tribal Education Agency, or their designee. These policies require Tribal Education Agency Leadership Team review, and will be presented to the Board for at least two (2) reviews in the Policy section of the BOE Agenda. The purpose of these reviews is for the Board to have an opportunity for discussion on first review, and discussion and appropriate action on second review.

9. Legislative Action

The legislative action includes policy making action and the review of rules and regulations established to put policies into operation.

10. Operational Action

The Board is responsible for the machinery and process of carrying on Board business such as adopting a procedural form for meetings, election of Board officers, and providing the enforcement of Tribal laws and directives, including those adopted laws of the State of California Department of Education.

11. Executive Action

The Executive Director of the Tribal Education Agency performs administrative duties for the Board by authority delegated to him/her. The Board must hold the Executive Director responsible for the proper and efficient administration of the Tribal Education Agency.

12. Quasi-judicial Action

The Board serves in a quasi-judicial function when it acts on appeals of parents, pupils, or employees on decisions made by the Executive Director of the Tribal Education Agency or designee.

13. Committee Appointments

Unless approved by the Board of Education or otherwise specified in policy or procedures for appointments, each member of the Board shall make appointments to Tribal Education Agency ad hoc and advisory committees. The appointed person shall serve until completion of the committee responsibilities or term of appointment, or until resignation, or until the appointing Board members leaves office, whichever comes first. Upon the resignation of a committee member, the appointing Board members shall appoint a new member. Any new Board member shall appoint a person to fill the vacancy of the appointee of the Board member leaving office. Unless a public notice is given, no more than two Board members will serve on any committee or attend committee meetings.

14. BOE Code of Conduct

Board members will always strive to put the needs of students above the wants of adults and will make decisions in terms of the educational welfare of all students of the Tribal Education Agency regardless of ability, race, creed, ethnicity, sex, or social standings.

- i. Board members will follow Board policy and procedures outlined in this Education Code and will abide by the decisions of the Board majority.
- ii. Board members will not take individual actions that will compromise the Tribal Education Agency or the Board.
- iii. Board members are authorized to take action in an official capacity only as a member of the Board as a whole, at legally called meetings, or when delegated authority by the Board as a whole. Board members will not represent to anyone that they, as an individual, have any authority to act on behalf of the Board or the TEA, unless expressly authorized by the Board to do so.
- iv. Board members understand that the President serves as official spokesperson for the Board. The President has the authority to appoint another member as his/her designee in communications with the media. When individual Board members speak with the news media, they are speaking for themselves and not as spokesperson for the Board.
- v. Board members understand that the President, as directed by the Board, will appoint Board members to serve on committees as the official Board representatives.
- vi. Board members understand that the Board is responsible for adopting policies. The Administration, not the Board, is responsible for implementing BOE Policies as proscribed by Board Policy statements and Administrative Implemental Procedures.
- vii. Board members will not try to solve complaints or grievances individually, except when they may counsel patrons or employees who inquire as to the correct procedures to be followed for the resolutions of complaints and grievances.
- viii. Board members will not meet with vendors or suppliers regarding TEA business unless it is scheduled through the Director's Office. Board members should channel all requests for information from TEA or Tribal vendors or suppliers through the Director's Office.
- ix. On other than routine matters, Board members will channel all requests for information during open meetings at the Board table or through the Director's office.
- x. Board members will not individual undertake to observe the performance of employees, including classroom teachers, for the purposes of "evaluating" their performance. Board members will not reprimand or provide direction to staff or attempt to exert undue pressure or influence on the staff. Board members will refrain from using their positions on the Board to intimidate or ridicule any TEA employee.
- xi. Board members will not put items on the agenda for the purpose of making a political statement, or "play to the audience" in Board meetings. Board members will ask questions to get information, not to inform or to advance a political agenda. Board

members will not embarrass another Board member or school employee in public. Board members reserve the right to disagree, but will not be disagreeable.

- xii. Board members will attend all regularly scheduled Board Meetings and notify the Director's office if they are going to be absent. In addition, Board members will come to the Board meetings prepared and informed on issues to be considered at those meetings.
- xiii. Board members will hold discussions in executive session in confidence.

15. Requests for Information

The Executive Director of the Tribal Education Agency, administration, and Board must maintain open lines of communication. The Board and Director agree that the Board has a responsibility and a right to be informed. The Board must decide how much information it expects the Director and/or administration to provide, how the information will be provided, the way it will be provided, and the time frame in which it should be provided.

- i. All individual Board request for reports, analysis, or research generally should be made in writing during a regular or special-called Board meeting, or a committee of the whole.
 - 1. Unless a Board Request Form is completed by an individual Board member, no request for reports, analysis, or research shall be provided by staff.
- ii. Following each Board meeting, the Director will assign each new request with the administrator responsible for fulfilling the request and will list a tentative completion date on the BOE Requests file. The Director will confirm with the Board member who made the request how many staff hours it will take to fulfill the request and the tentative completion date. All Board members and Executive Council members will receive an updated BOE Requests file and BOE Agenda Planner file. The BOE Agenda Planner lists agenda items.
 - 1. If the Director reviews a request with staff and estimates it will take more than two hours to complete, the Director will communicate with the Board member who made the request about the amount of time estimated to complete the request. This will allow the Board member the opportunity to revise the request so it will take less than two hours to complete, or to withdraw the request.
 - 2. If a Board member agrees to withdraw a request, this will be noted in the next BOE Requests file that is sent to the Board. The request will then be deleted from the BOE Requests file.
 - 3. If the request is not revised or withdrawn, the Director will bring the request back to the Board at its next business meeting for the Board's consensus or vote.
 - 4. If a request is not fulfilled in a timely manner for the Board member who made the request, the Board members can consult with the Board President and the

Director about the completion date. If necessary, the Board member, Board President, and/or Director can bring a request back to the Board for further discussion

- iii. Once a response has been prepared to any Board request, all Board members shall be offered a copy of the information at the same time.
- iv. Board members shall not bypass the Director to request reports, analysis or research from staff. While a Board member may on occasion discuss issues with other staff members, it is important each member understand these discussions are brief and shall be limited only to information gathering. In order to achieve equitable access to information, any staff prepared documents will be offered to all Board members.

16. Legal Services

An attorney(s) shall be retained to provide legal services to the Board of Education and to provide legal counsel to the Director and his/her staff. The Board may select special legal counsel as deemed appropriate.

- i. The attorney(s) shall attend Board meetings as requested, give advice and counsel when called upon, and shall attend to all legal matters pertaining to the Board and the Tribal Education Agency.
- ii. The attorney(s) shall be familiar with the agenda so as to give legal advice regarding action to be taken by the Board.
- iii. A Board member may ask legal counsel for an opinion on a legal issue affecting the Board or Tribal Education Agency, which will not require legal research or significant expenditure of funds. The Board member requesting any such opinion realized that the opinion may be given to all Board members, since the Board attorney represents the total board. A Board member desiring a more in-depth opinion or a written legal opinion shall submit the request to the President of the Board or his/her designee who shall submit the request to legal counsel or disapprove the request. A member who request is disapproved may resubmit the request for discussion by the Board in open Board meeting or executive session, whichever is appropriate.
- iv. Decisions regarding the filing of a case, appealing a decision, and other decisions of similar importance shall be made by the Board. Legal counsel shall obtain decisions of lesser importance from the Director or designee.
- v. Legal counsel shall be regarded as attorney for both the Board and administration unless specific decision has been made to the contrary in cases where a conflict or potential conflict exists between the Board's interest and the administration's interest. In such cases, the decision to have legal counsel act on behalf of only one of the parties shall clearly be communicated to both parties.

17. Auditing Services

The Board of Education of the Blue Lake Rancheria Tribal Education Agency shall, in accordance with tribal, state, and federal laws and regulations, select an auditing firm to audit the annual financial statements of the Tribal Education Agency. Selection of this auditing firm shall be from amount qualified and experienced firms (firms versed in providing services to tribal government, education, or political subdivisions). Selection shall emphasize experience in conducting school district audits, ability to meet specified time requirements, qualifications of auditors assigned to the project, and cost to the Tribal Education Agency.

- i. The regular annual audit shall include all funds.
- ii. A review of internal controls and auditing procedures, including computer programs and data processing security, shall be included as part of the audit.
- iii. A report in the form of a management letter or letters covering the internal control systems, general computer utilization, accounting system procedures, purchasing procedures, fixed asset accounting procedures, and other matters which come to the attention of the auditors during the course of the examination shall be included as part of the audit.

18. BOE Audit Committee

The Board of Education Audit Committee is established to provide proactive oversight of the financial and compliance reporting and disclosure. It is the Audit Committee's function to carry out due diligence by evaluating information from the Chief Financial Officer, program administrator(s), and the external auditors. The Audit Committee is to provide assurance to the Board of Education that the organization has the appropriate culture and the personnel, policies, systems, and controls in place to safeguard entity assets and to accurately report financial information to internal and external users. The Audit Committee discharges its responsibilities for the benefit of funding sources, oversight agencies, and the General Council of the Blue Lake Rancheria.

- i. The Audit Committee shall be comprised of two Board of Education members, two community members, the Director, and the Chief Financial Officer.
- ii. The Board President shall annually select the two Board of Education members of the Audit Committee. The Director shall ensure that annual appointments are made by the first regular BOE meeting in February.
- iii. The Audit Committee shall meet no less than one time per year.
- iv. The Audit Committee shall meet with the external auditors prior to the start of the annual audit to set the scope of the annual audit.
- v. The Audit Committee shall meet at the conclusion of the audit to review the audited financial statements.

- vi. The community member representatives of the Audit Committee shall be comprised of individuals with a high level of financial literacy, and shall be independent in attitude of the management team.
- vii. The Audit Committee shall inquire of management and the independent auditor about significant risks or exposures and assess the steps management has taken to minimize such risk.
- viii. The Audit Committee shall consider the review with management and the independent auditor the following: significant findings during the year including the status of the audit recommendations from the prior year, any difficulties encountered in the course of audit work including any restrictions of the scope of activities or access to required information and any changes required in the planned scope of the audit plan.
- ix. The Chief Financial Officer shall report to the Board of Education on significant results of the foregoing activities.

19. Executive Director of the Tribal Education Agency

The Board is charged with the responsibility of appointing a qualified Executive Director of the Tribal Education Agency. The Director shall serve as the chief administrative officer of the Tribal Education Agency and follow Blue Lake Rancheria Ordinances and amendments thereto.

20. Selection of School Name

[Reserved]

21. Expenses – Board of Education Members

Board members may be reimbursed for their necessary expenses incurred in the performance of their official duties.

- i. Any expenses not specific in this Education Code will require Board of Education action prior to payment.
- ii. Board members shall not be issued Tribal Education Agency credit cards.
- iii. Board of Education members may attend civic functions that require registration fees when invitations are extended by the Director's office; however, it is the responsibility of the Board member to pay for the ticket(s) of a guest/spouse invited by that Board member to that function. Board members will reimburse the Tribal Education Agency for unused requested tickets/reservations unless the absence is due to illness or an emergency.

22. Equipment, Supplies, and Services – Board of Education

Board of Education members may be provided equipment and/or supplies and/or services necessary to perform duties related to their responsibilities as members of the Board of Education.

- i. All services described in this Education Code shall be funded through the Director's Office.
- ii. File Cabinet. If a Board member requests a file cabinet during his/her term, a vertical, two- or four-drawer, metal file cabinet shall be delivered.
- iii. Approved Services. The Board has approved the following services. A Board member may choose one or more services. The total expenses allowed for the services listed in this Education Code shall not exceed \$50 per month (or \$600 per year). The Board member is responsible for submitting a signed copy of the summary page(s) of the billing statement with the amount circled for Post Office Box, Internet service, and/or Personal Electronic Device. Billing statements can be submitted one at a time or in groups. The deadline for submitting billing statements during a given fiscal year is November 15th of that fiscal year.
 - a. Land Line Phone with Equipment. A Board member may request a land line for local service only with answering machine to be used for BOE purposes. This land line will be the number the Tribal Education Agency publishes for the Board member. The telephone line service will be contract by the Director's office and the monthly fee paid by the Tribal Education Agency. The amount for land line service contracted by the Tribal Education Agency will be subtracted from the total amount allowed in this Education Code at §1402.22(iii). In addition, the Tribal Education Agency will pay all expenses related to this equipment. The phone line service will be disconnected at the end of the term of office.
 - b. Post Office Box. A Board member may rent a post office (or postal mail) box to receive BOE mail. The Board member is responsible for all aspects of this service and shall provide the Director's Office with a P.O. Box number that will be published address for the Board member.
 - c. High-Speed Internet Service. The purpose is to provide access to email and the Tribal Education Agency website for BOE Agendas, policies, and other content. The Board member is responsible for selecting this service. The reimbursement by the Tribal Education Agency shall be after any rebates. The Board member's email address will be published by the Tribal Education Agency.
 - d. Email (Data) Service on Personal Electronic Device (PED). The purpose is to provide mobile access to email. The Board member's email address will be published by the Tribal Education Agency.
- iv. The Director, or their designee, shall complete an inventory of all Board of Education equipment issued to Board members. The Board members will verify the accuracy of the equipment inventory.
- v. Any equipment, and/or supplies, and/or services requested by a Board member, not specifically identified in this policy, shall be presented to the Board of Education for action.

- vi. All equipment issued through the Director's office to Board members remains the property of the Tribal Education Agency, and must be returned within thirty (30) days following the expiration of the Board member's term or resignation from his or her seat on the Board.
- vii. Upon request, Board members may be provided generic Tribal Education Agency stationary and marketing materials (videos, etc.). Annually, Board members may also be provided 250 personalized Tribal Education Agency business cards. No personalized stationary will be funded through the Tribal Education Agency for Board members.

23. Travel and Expenditures by Board of Education

Members of the Board of Education are authorized to attend in-state and out-of-state activities related to their responsibilities as members of the Board at the expense of the Tribal Education Agency. The purpose for BOE travel is to gain skills and knowledge to improve the Tribal Education Agency, its mission, and the professional development of the BOE member. Board members who attend conferences are expected to be active participants at the conferences and related activities.

- i. Representation of the Board of Education at Board/TEA related conferences should be as follows:
 - a. In-county conferences – All Board members may participate
 - b. In-state conferences – All Board members may participate
 - c. Out-of-state conferences – Two Board representatives may participate. All out-of-state travel must be approved by the Board President. Individual Board members are authorized to attend a maximum of two TEA-funded out-of-state activities each fiscal year (January 1 to December 31) paid from the Tribal Education Agency's General Fund.
- ii. Travel expenses for all Board members as itemized at §1402.23(i) will be funded from the Board of Education budget.
 - a. The TEA will not fund out-of-county travel by members of the Board of Education who do not file for reelection, or who do not advance past a primary or general election.
 - b. TEA funded out-of-state travel/registration will be made thirty (30) days in advance of a scheduled conference; the Board President must approve exceptions.
 - c. All TEA funded air travel will be the most economical, and all Board members will use the least expensive class of air travel.
 - d. Board members who are invited to attend local, state, and/or national conferences or activities by outside organizations and/or agencies may do so, provided all expenses are paid by the inviting organization and/or agency. When notified that a Board member has accepted an invitation from an outside organization and/or agency, the Director's Office may coordinate travel arrangements, if requested to do so by the Board member.
- iii. The TEA's Travel and Business Expense Guide shall govern all TEA funded Board of Education travel requests and reimbursements. Any TEA funded travel requests and/or expenditures not

specifically authorized by the TEA's Travel and Business Expense Guide shall have prior approval by the Board President during a public meeting of the Board of Education.

- iv. Board members may be reimbursed for mileage to/from BOE meetings and other Board related business at the TEA's current mileage reimbursement rate for up to \$50 per month. This includes Board travel from home or office to all BOE meetings shown on the BOE Meeting Calendar, school visits at which the Board member is representing the Board of Education, and official Board business by invitation. Board members shall provide the date, destination, business purpose, and start/end mileage. Board members are required to submit quarterly mileage logs in order to be reimbursed, and can request TEA mileage logs from the Director's Office. Overage can be approved by Board action.
- v. If Board members are invited to travel because of their status as BOE members, the Board members are required to report such travel invitations to the Board President. Board members are discouraged from accepting invitations from TEA or Tribal vendors. However, such invitations can be accepted if approved by the Board President at a public meeting of the Board of Education. Such travel should be beneficial to the TEA's mission and strategic plan. All expenses are to be paid by the vendor(s) that issued the invitations.
- vi. Board members are expected to make brief comments or a report to the Board within thirty (30) days of travel.

24. Attendance at Tribal Education Agency events by BOE

Members of the Board of Education and their immediate families will be admitted to all individual Tribal Education Agency sponsored events without cost. This will include, but not be limited to, such activities as musicals, plays, athletic events, etc. State sponsored events will be exceptions.

- i. Each Board member will receive a BOE Member Honorary Pass that will authorize admission to TEA events.
- ii. The honorary admissions passes will waive admittance costs only; any additional costs for items such as food, programs, memorabilia, etc. will be at the expense of the Board members.
- iii. The honorary admissions passes should be presented for admittance at the site of the activity or at the designated location, if there are advance ticket sales.
- iv. The honoring of the above passes at properties/events other than the Blue Lake Rancheria Tribal Education Agency events will be at the discretion of the host school district, school, or organization.

25. Board Community Relations

The Board of Education will build and maintain strong relationships with parents, families, the community, governmental agencies, and businesses. The Board of Education and the Tribal Education Agency operate most successfully with the support of all the above stakeholders.

- i. The President of the Board of Education and/or a Board member designated by the President will be responsible for the Board's procedures in the area of Board-community relations.
- ii. Members of the Board of Education should recognize their individual community relations responsibility.
- iii. At news conferences and similar public functions, the President of the Board of Education will speak for the Board. The President may designate another member to speak on his/her behalf.
- iv. The Board may form citizens' consulting committees to assume assigned responsibilities serving in an advisory capacity for specific projects of the TEA. The Board will determine the intent and set the timeline of the services of such committees. Board-appointed committees will be subject to the Blue Lake Rancherias ordinances regarding public meetings.
- v. At least annually, the Board will host a Board's Night Out or other community forum to provide an informal conversation and listening session in the community. Representatives of the Board will be available in varying parts of the TEA's and its consortia organizations' jurisdictions.
- vi. The Board and TEA administration will maintain effective communications with the community through projects that include, but are not limited to, surveys and other feedback; Board's night out or other community forums; the Director's Student Advisory Committee (D-SAC); governmental relations; website and links for parent services (e.g., student grades); cable TV channels; and various publications.

26. Complaints Against Employees

It is the Board's intent to protect Tribal Education Agency employees from unfounded allegations and/or complaints and from public criticism to which they may be unable to respond and therefore, established the following procedures:

- i. Persons with complaints against an employee are encouraged to discuss and attempt to resolve the problem directly with that employee.
- ii. If discussion with the employee does not resolve the problem, the complainant will be expected to discuss and attempt to resolved the problem with the employee's immediate supervisor.
- iii. If discussion with the supervisor does not resolve the problem, the complainant will be expected to discuss and attempt to resolve the problem with the Director or designee
- iv. The Board of Education will generally ignore anonymous undocumented complaints against Tribal Education Agency employees. However, anonymous complaints related to suspected child abuse and/or neglect must be addressed, as must other allegations of violations of law or policy may be cause for further investigation as deemed appropriate under the circumstances.
- v. Persons with concerns or complaints are encouraged to involve the TEA's Parent and Community Support Network staff at any time and at any stage of procedures set forth in the Education Code.

- vi. As noted at §1402.14 BOE Code of Conduct, Board members should not try to solve complaints or grievances individually, except when they may counsel patrons or employees who inquire as to the correct procedure to be followed for the resolution of complaints or grievances. Board members may refer a complaint or grievance to the Director.

27. Integration and Diversity

The population of Humboldt County is comprised of individuals from diverse backgrounds and life experiences. The diversity defines each of us individually and collectively. The diversity of students served by the Blue Lake Rancheria Tribal Education Agency includes but is not limited to race, ethnicity, culture, age, gender, sexual orientation, language, socioeconomic status, religion, disability, or skill level. The Tribal Education Agency honors and provides the broad-based diversity of the students through practices that embrace differences, and provides all students high-quality and equitable opportunities.

The Blue Lake Rancheria Tribal Education Agency shall ensure that there is no discrimination based on but not limited to race, ethnicity, culture, age, gender, sexual orientation, language, socioeconomic status, religion, disability, or skill level in the placement, instruction, and guidance of pupils; the employment, assignment, training, or promotion of personnel; the provision and maintenance of physical supplies and equipment; the development and implementation of the curriculum, including the activities program; and in all matters relating to the instruction, supervision, administration, and Board policy making.

- i. It is the responsibility of the Director's Office, or their designee, to work cooperatively with the Board of Education to adopt specific plans and procedures to provide for an integrated and diverse school system by:
 - a. Ensuring that all schools are equitably staffed with highly qualified and experienced teachers.
 - b. Ensuring that all students will be met with high expectations and academically rigorous curricula.
 - c. Ensuring that all students are provided the opportunity for high quality, equitable and diverse culturally responsive learning experiences.
- ii. The Board of Education will cooperate with the Director's office, or their designee, and other community stakeholders in integration efforts to promote and maintain diverse schools.

28. Civil Rights Resolution

The Board of Education hereby agrees to comply with Title IV and Title VI of the Civil Rights Act of 1964, as amended, and all requirements imposed by or pursuant to the regulations of the Department of Education. The Board of Education further agrees to the regulation that no person in the United States (on grounds of race, color, age, religion, sex, national origin or handicap) shall be excluded from any participation in, denied the benefit of, or otherwise subjected to discrimination under any program, activity or employment with

the Blue Lake Rancheria Tribal Education Agency, except as provided for under 48 CFR § 1452.226-70 Indian Preference.

- i. The Blue Lake Rancheria Tribal Education Agency adheres to and implements the basic policy in accordance with the following federal and state laws:
 - a. Civil Rights Restoration Act of 1987 This act overturned the Supreme Court decision in Grove City v. Bell and reinstated the coverage of the following three civil rights laws to an entire local education agency if any program with the organization receives Federal aid:
 - i. Title VI of the Civil Rights Act of 1964 Prohibits discrimination on the basis of race, color, or national origin by Federal grantees
 - ii. Title IX of the Education Amendments of 1972 Prohibits sex discrimination by Federal education grantees.
 - iii. Section 504 of the Rehabilitation Act of 1979 Prohibits discrimination against “otherwise qualified” handicapped persons by Federal grantees
 - b. Title IV of the Civil Rights Act of 1964 (public school desegregation)
 - i. Title VII of the Civil Rights Act of 1964 (prohibits employment discrimination on the basis of race, color, national origin, sex or religion) except as provided under 48 CFR § 1452.226-70 Indian Preference.
 - ii. Equal Pay Act of 1972 (nondiscrimination as to wages on basis of sex)
 - iii. Age Discrimination in Employment Act (nondiscrimination on basis of age in employment)
 - iv. Americans with Disabilities Act of 1990 (ADA)
 - c. The above list is not intended to be all inclusive and likewise any specific exclusion is not intended. Many of the applicable laws and regulations may duplicate in application to the Blue Lake Rancheria Tribal Education Agency. Specific appropriation bills are not specifically referred to.
 - d. Persons having inquiries regarding Title IX, Section 504 of the Rehabilitation Act of 1979, or the Americans with Disabilities Act may contact the Tribal Education Agency’s Director or their designee.

29. Professional Development for Board of Education Members

Members of the Board of Education are expected to participate in planned and continuing programs of professional development in order to enhance the quality and effectiveness of public school governance in the school community of the Blue Lake Rancheria Tribal Education Agency.

- i. The Board shall plan and the Administration shall communicate to Board members’ opportunities to participate in professional development activities designed to assist Board members in their efforts to:

- a. Improve their skills as members of the governmental policy making body.
 - b. Expand their knowledge about trends, issues, educational initiatives, and new ideas affecting the continued welfare of the educational programs and local schools.
 - c. Deepen their insights into the nature of leadership in a modern democratic society.
- ii. The Board will meet for a BOE Retreat at least annually.
 - a. The President is responsible for seeking input from the Board members to plan the retreat.
 - b. The President, Vice-President, and Director will collaborate to develop the retreat agenda.
- iii. Newly-elected members to the Board shall participate in timely and specifically planned professional development activities which will deal with the basic function of the Board and the managerial operations of the Tribal Education Agency in general.
- iv. The Board regards the following as appropriate kinds of activities and services in which Board members might participate:
 - a. School board conferences, workshops, and conventions held by the state, regional, and national school board associations and allied groups.
 - b. Local education agency sponsored training sessions for Board members, including but not limited to, legal training.
 - c. Subscriptions to publications addressed to the concerns of Board members.
- v. The Board recognizes its responsibility to the public and shall keep the community informed through the news media about the Board's continuing professional development and the program's anticipated short- and long-range benefits to educational programs.
- vi. The President of the Board shall provide leadership to encourage individual participation however, the Board as a whole shall retain the authority to approve or disapprove the participation of members in planned activities.

SECTION 1403 Office of Postsecondary Education

- i. The title of existing educational programs that provide services to students attending postsecondary schools shall be changed to the Office of Postsecondary Education.
- ii. The Office of Postsecondary Education shall continue to coordinate and supervise those existing programs.

SECTION 1402 Academic Scholarship Office

- i. Within the Office of Postsecondary Education, a special office for Academic Scholarships shall be established within sixty (60) days of passage of this Education Code and shall be part of the Office of Postsecondary Education within the Tribal Education Agency.
- ii. The special office shall be created, staffed, and designated to do the following:

- a. Oversee the provision of academic scholarships to students of high academic achievement, without regard to assessed financial need;
- b. Oversee the provision of graduate fellowships and supplemental stipend assistance;
- c. Provide updates to the Board on the programs goals, objectives, and measures taken to achieve those
- d. Design useful programs to assist applicants with scholarship opportunities both internal and externally funded.