

***FIRST DRAFT***  
***(April 11, 2019)***

# **HOPI EDUCATION CODE**

## **ORDINANCE NO. 36a<sup>1</sup>**

### **TO ESTABLISH A COMPREHENSIVE HOPI EDUCATION SYSTEM**

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<sup>1</sup> HTC: Should this be numbered 36a, or given a new number? FYI, in house counsel suggested 36a.

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**CHAPTER 1. GENERAL PROVISIONS**

**Section 1.1 Enactment of the Hopi Education Code and Short Title**

The Hopi Tribe hereby enacts this Hopi Education Code as Ordinance No. 36a, which shall be known and cited as the “Hopi Education Code.”

**Section 1.2 Purpose**

It is the intent and purpose of this Hopi Education Code to:

- 1.2.A Establish a comprehensive Hopi Tribe School System which shall promote collaboration, consistency and accountability among all schools and educational programs on the Hopi Reservation;
- 1.2.B Set forth Hopi educational priorities and the authorities and procedures for implementing those priorities;
- 1.2.C Repeal obsolete language and update Ordinance No. 36 now that all Hopi local schools are Tribally Controlled Schools under the Tribally Controlled Schools Act, Pub. L. No. 100-297 (1988).

**Section 1.3 Findings and Declaration of Policy**

- 1.3.A Findings. The Hopi Tribal Council finds that:
  - 1.3.A(1) Academic achievement levels at all local schools on the Hopi Reservation are notably low.
  - 1.3.A(2) The Hopi language is not offered in a consistent or significant basis in all local schools and pre-schools on the Hopi Reservation. Hopi social studies, government, and history curricula have not been fully developed or implemented in any local school.
  - 1.3.A(3) Due to the young age of many Hopi parents and the significant number of Hopi grandparents who are caring for their school-age grandchildren, parenting and family life education has been identified as a primary need in all local schools and pre-schools to encourage positive, effective parenting skills, as well as effective parental involvement in the schools.

- 1.3.A(4) Parents, students, teachers and other Stakeholders have identified the need to separate the seventh (7<sup>th</sup>) and eighth (8<sup>th</sup>) graders from the Hopi Junior Senior High School.
  - 1.3.A(5) The federal government has a trust obligation to provide the formal education of Hopi students. The federal government has attempted to fulfill this trust obligation through the establishment and operation of six elementary schools and one junior senior high school on the Hopi Reservation. These seven schools were originally operated by the Bureau of Indian Affairs, and then later by the Bureau of Indian Education.
  - 1.3.A(6) On May 4, 1981, the Tribal Council adopted Ordinance No. 36, to provide a comprehensive education policy for all educational entities located on the Reservation and serving Hopi students.
  - 1.3.A(7) From 1991 to 2014, the Hopi Tribe applied for and received grants “to assume operation of Bureau funded schools” under the Tribally Controlled Schools Act, Pub. L. No. 100-297. *See* 25 U.S.C. § 2502(a)(1)(C). All seven of the Tribe’s BIE-funded schools on the Reservation are now Tribally Controlled Schools.
  - 1.3.A(8) Over the last fifteen (15) years, Hopi attempted several times to update Ordinance No. 36 to reflect the local schools’ status as Tribally Controlled Schools and provide improved educational services, consistency, and accountability.
  - 1.3.A(9) In 2016, Hopi received a BIE Tribal Education Department Grant to examine options for building Hopi’s capacity to operate its schools. Hopi’s Tribal Education Department Grant had two parts: drafting a Feasibility Study which was conducted by Public Works, LLC and completed in May 2018; and drafting an Education Code that would update Ordinance No. 36 now that Hopi’s seven schools are Tribally Controlled Schools.
- 1.3.B Declaration of policy. It is hereby declared to be the policy of the Hopi Tribe that:
- 1.3.B(1) The Hopi Tribe recognizes that a quality and effective formal education is critical to the survival of the Hopi people, and it is in the best interests of the Hopi Tribe to assert its sovereign responsibility over the education systems on the Reservation to improve these systems by the enactment of this Education Code.
  - 1.3.B(2) An effective, appropriate, and relevant formal education on the Reservation includes, but is not limited to: academic excellence and high expectations for all students; proficiency in all basic academic

and cognitive skills; proficiency in English language and knowledge of non-Hopi American culture, governments, economics, environment, and history; knowledge of Hopi language, culture, artistry, history, government, economics, and environment; and development of self-discipline, self-confidence, positive self-worth, and life-time learning skills.

- 1.3.B(3) Curriculum, education standards, and policies and programs as adopted and implemented pursuant to this Code shall be developed to prepare students to assume their responsibilities to perpetuate Hopi's people, resources, language, culture, and history.
- 1.3.B(4) All standards and policies adopted by the entities under this Code shall be equal to or exceed applicable state or federal standards, while serving to promote the traditional values, sovereignty, and self-determination of the Hopi Tribe.
- 1.3.B(5) Federal funding for Hopi's Tribally Controlled Schools shall be deposited into a separate operating account under the authority of the Hopi Board of Education and used for "education related activities" as required by the Tribally Controlled Schools Act. 25 U.S.C. § 2502(a)(2), (3).
- 1.3.B(6) A child's attendance at school is crucial for academic success and necessary to ensure the Hopi Sinom and that students will be empowered with the wisdom and knowledge to thrive through school attendance.
- 1.3.B(7) The Hopi Tribal Council, its Agencies and Departments and the Hopi Tribe School System shall develop collaborative working relationships with state and federal governments and other appropriate organizations to improve the availability and implementation of educational services, programs and initiatives for all Hopi students.

**Section 1.4 Authority and Responsibility**

**1.4.A Inherent Authority over Formal Education**

The Hopi Tribe is a people with a distinct political, economic, and cultural heritage. The Hopi Tribal Council has the inherent authority to exercise its responsibility to the Hopi Sinom for the education of Hopi students by prescribing and implementing educational laws and policies applicable to all schools serving the Hopi Sinom and all educational programs receiving funding for the education of Hopi students. The Hopi Tribal Council acknowledges and supports the expertise of the teachers, staff and administrators of Hopi's schools and commits itself to

work cooperatively with all education providers serving Hopi students to ensure the achievement of the Tribe’s educational goals established through these policies and applicable laws.

**1.4.B Authority of the Hopi Tribal Council**

The Hopi Tribal Council has the authority to enact this Ordinance as provided in Article VI, Section 1 (a), (g), and (l) of the Constitution and By-Laws of the Hopi Tribe.

**1.4.C Applicable Laws**

To the extent they do not conflict with the provisions of this Code, all applicable laws, resolutions, and ordinances of the Hopi Tribe shall apply in the operation of all schools and educational institutions to the fullest extent allowable by law.

**1.4.D Other Rights and Powers Not Abrogated by Authority over Formal Education**

In exercising its authority over formal education of the Hopi Sinom, the Tribe does not sanction, intend or cause any abrogation of the rights of the Tribe or its members based upon federal law, trust or citizenship, or the Tribe’s inherent sovereign powers, nor does it diminish any trust responsibility of the federal government, nor of the State government or political subdivision thereof, including the obligation to provide a formal education. The Hopi Tribe specifically claims for its people and holds the federal government responsible for the education of the Hopi Sinom based upon the federal trust responsibility towards Indian tribes. For Hopi students who attend State public schools and other non-Hopi schools, the Hopi Tribe claims its rights as citizens of the State of Arizona to a non-discriminatory public education.

**Section 1.5 Definitions.**

1.5.A Unless this Code otherwise indicates, the following definitions apply:

- 1.5.A(1) “Accountability” means being held responsible for any action, inaction, decision, or conduct which involves public trust or requires sound reasoning, good judgment and the ability to act, that is exercised by any individual in a position to render decisions or cause action or conduct to be made.
- 1.5.A(2) “Attendance Area Designation” or “Attendance Area” means the geographical area within which a specified school provides educational services.
- 1.5.A(3) “BIE” means the Bureau of Indian Education.
- 1.5.A(4) “Board” means the Hopi Board of Education.
- 1.5.A(5) “Central Administration Office” means the centralized office for education-related services managed by the Superintendent for the

benefit of local schools and pre-schools.

- 1.5.A(6) “Code” means the Hopi Education Code enacted pursuant to this Ordinance No. 36a.
- 1.5.A(7) “Compulsory School Age” means a child who is not younger than five (5) years by the first day of September, but who has not reached his or her nineteenth (19th) birthday. For those students who are evaluated as in need of special needs education, the “Compulsory School Age” means a child who is not younger than five (5) years by the first day of September, but who has not reached his or her twenty-second (22nd) birthday.
- 1.5.A(8) “Constitution” means the Constitution and By-laws of the Hopi Tribe.
- 1.5.A(9) “CSA” means the Chief School Administrator, who is the administrative leader of each local school.
- 1.5.A(10) “Curriculum” or “curricula” means any courses of study provided and prescribed for students.
- 1.5.A(11) “Data” means information regarding: demographics, attendance, enrollment, graduation rates, language, culture, academics, behavior, parent and community involvement, annual accreditation, annual operating budgets, facilities and other significant activities which have an impact on education.
- 1.5.A(12) “Department” or “Department of Education and Workforce Development” means the Department of Education and Workforce Development within the Hopi Tribal government.
- 1.5.A(13) “Direct relative of an employee” means a spouse, parent, or child of an employee of the Hopi Tribe School System.
- 1.5.A(14) “Education standards” means standards developed or adopted by the Board which focus on essential, culturally-relevant content to be implemented by local schools and pre-schools, and which outline the skills and knowledge that students are expected to attain during their education as measured by targets and expectations for what educators need to teach and students need to learn.
- 1.5.A(15) “Educational policies and programs” means policies or programs - other than curriculum - which are intended to develop strong student or parental knowledge of, skills in, or involvement with schools, their students and their curricula.

- 1.5.A(16) “Educators” means teachers, faculty, scholars, administrators, counselors and other professional staff of local schools or pre-schools.
- 1.5.A(17) “Health and Education Committee” means the Health and Education Committee of the Hopi Tribal Council.
- 1.5.A(18) “Home education” means a program of education supervised by a child’s parent or legal guardian in the child’s home.
- 1.5.A(19) “Hopi Board of Education” means the elected and appointed governing body of all schools within the Hopi Tribe School System, which is responsible for educational leadership and which is empowered to act in an authoritative and policy-making capacity consistent with applicable Tribal, state and federal law.
- 1.5.A(20) “Hopi Education Information System” or “HEIS” means a uniform system of records and comprehensive database for the local schools and students.
- 1.5.A(21) “Hopilavayi” means the language of the Hopi people.
- 1.5.A(22) “Hopilavayi Committee” means an entity empowered to create a Hopi language and culture program for Hopi schools and who is the certifying entity for those individuals seeking to attain licensure to be a Hopi language and culture educator as defined under this Code.
- 1.5.A(23) “Hopi Tribe School System” means the collective organization of all local schools and pre-schools within the exterior boundaries of the Hopi Reservation.
- 1.5.A(24) “Local school” means Hopi’s Tribally Controlled Schools serving kindergarten through 12<sup>th</sup> grade, or any part of that grade range, which receive financial assistance for their operation under a grant agreement with the Bureau of Indian Education under the Tribally Controlled Schools Act of 1988, Pub. L. No. 100-297, or under Chapter 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638.
- 1.5.A(25) “Local school board” means an elected body advising a local school that is responsible for providing guidance and support to that school.
- 1.5.A(26) “Parent” means anyone who is a parent or legal guardian of a student.
- 1.5.A(27) “Pre-school” means any early childhood program located on the Reservation which receives federal funds and serves Hopi students prior to entering kindergarten.

- 1.5.A(28) “Public notification of non-compliance” means a written notice to the public of a Hopi Tribe School System entity’s non-compliance after the expiration of the entity’s 30-day compliance window.
- 1.5.A(29) “Reservation” means all land, air, waters, waterways and natural resources within the exterior boundaries of the Hopi Tribe Reservation as established by Executive Order of Dec. 16, 1882 by President Chester A. Arthur, including any amendments or modifications thereto.
- 1.5.A(30) “Secretary” means the Secretary of the Department of the Interior.
- 1.5.A(31) “Sinom” means the Hopi people.
- 1.5.A(32) “Stakeholders” means members of the Hopi Tribe concerned about education on the Hopi Reservation, including but not limited to, community members, parents, parent groups, and students.
- 1.5.A(33) “State” means the State of Arizona, or any political subdivision thereof.
- 1.5.A(34) “Student” means anyone who is enrolled in a local school or pre-school which is regulated under this Code.
- 1.5.A(35) “Superintendent” means the chief administrative officer of the Hopi Tribe School System.
- 1.5.A(36) “Tribal Council” or “Council” means the Hopi Tribal Council, the governing body of the Hopi Tribe which possesses all powers as outlined in the Constitution and By-laws of the Hopi Tribe.
- 1.5.A(37) “Tribally Controlled Schools” means those elementary schools, secondary schools or dormitories which receive financial assistance for their operation under a grant agreement with the Bureau of Indian Education under the Tribally Controlled Schools Act of 1988, Pub. L. No. 100-297, or under Chapter 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638.
- 1.5.A(38) “Tribe”, “Tribal”, or “Hopi Tribe” means the Hopi people and resources as a whole, considered as a distinct cultural, geographical, sovereign, and political entity.

**Section 1.6 Severability**

If any portion of this Code shall be ruled invalid by a court of competent jurisdiction, that portion shall cease to be operative, but the remainder of this Code shall continue in full force and effect.

**Section 1.7 Reference to Code includes Amendments**

When reference is made to any portion of this Code, the reference shall apply to all amendments and additions made hereafter.

**Section 1.8 Repeal of Inconsistent Ordinances and Resolutions**

- 1.8.A All ordinances, resolutions, and other laws inconsistent with this Code are hereby repealed. To the extent any provision of this Code conflicts with any other Tribal law or regulation regarding education within the exterior boundaries of the Reservation, such other law or regulation is superseded, and this Code shall govern.
- 1.8.B Hopi Tribal Resolution H-33-81, Ordinance No. 36, is hereby repealed, and replaced with this Code.

**CHAPTER 2. TRIBAL COUNCIL**

**Section 2.1 Delegation of Authority**

Tribal Council hereby delegates all authorities and responsibilities to the Hopi Board of Education as the grantee authorized to control all operations of the Hopi Tribe School System, which includes but is not limited to, education services, financial services, personnel, purchasing, administrative services, transportation, food services, and other services related to the operation of the Hopi Tribe School System and the Hopi Tribally Controlled Schools.

**Section 2.2 Retained Oversight Authority**

The Tribal Council, as the representative and governmental body of the Hopi Tribe, retains its authority to conduct review and oversight of the Hopi Tribe School System to ensure it is fully and appropriately executing its policies and procedures and providing effective educational services to Hopi students.

**Section 2.3 Exhaustion of Remedies**

Any person shall first exhaust all Hopi Tribe School System remedies, appeals, policies and procedures, and compliance provisions developed pursuant to this Code prior to making any request to Tribal Council for appeal or review of any education-related issue.

**Section 2.4 Bylaws and Policies and Procedures to be Ratified by Hopi Tribal Council**

Hopi Board of Education bylaws and Hopi Tribe School System policies and procedures shall be reviewed and ratified by the Tribal Council.

**Section 2.5 Transition Committee**

- 2.5.A The Tribal Council shall create a Transition Committee to oversee and assist with the transition to the Hopi Tribe School System and the planning and implementation of this Code and areas to be centralized. The Transition Committee shall report monthly to the Health and Education Committee on its transition work until the date of the first swearing in of the Hopi Board of Education.
- 2.5.B The Transition Committee shall be established as follows:
- 2.5.B(1) Membership. Tribal Chairman shall nominate nine (9) members of the Transition Committee who shall be confirmed by the Tribal Council. These nine (9) members shall include: a Health and Education Committee member, a current CSA, a current teacher, a parent of a currently enrolled student in a local school, a professional educator with at least a Master's in education, a business manager, a transportation professional, an operations and maintenance professional, and a special needs education teacher or professional.
- 2.5.B(2) Scope of work. The Transition Committee shall facilitate and execute the planning and implementation of the transition from the current organization of the Hopi schools to the Hopi Tribe School System as set forth in this Code.
- 2.5.B(3) Timeline. The Transition Committee shall develop, within the first month of its swearing in, a timeline for completing the transition to the Hopi Tribe School System. This timeline shall be at least eighteen (18) months and not longer than thirty months (30).
- 2.5.C Following the Board's first swearing in, the Transition Committee shall come under the oversight of the Board like other Committees of the Board. The Transition Committee's work and membership shall be reviewed and any vacancies filled by the Board. The Transition Committee shall report to the Board each month on the progress of the transition. The Transition Committee shall continue until all work of the transition is completed.

**CHAPTER 3. HOPI TRIBE SCHOOL SYSTEM**

**Section 3.1 Establishment of the Hopi Tribe School System**

There is hereby established the Hopi Tribe School System as the collective organization of all local schools and pre-schools within the exterior boundaries of the Hopi Reservation.

**Section 3.2 Administrative Structure of Hopi Tribe School System**

The Hopi Tribe School System shall be administered and governed by the Hopi Board of Education. The Hopi Board of Education shall oversee the operations of all local schools and pre-schools within the exterior boundaries of the Hopi Reservation. Subject to approval of the Tribal Council, the Hopi Board of Education may negotiate collaborative agreements with other educational institutions which teach Hopi students. The Board shall appoint and oversee a Superintendent who shall serve as the chief administrative officer of the Hopi Tribe School System. The Superintendent shall manage a Central Administration Office which shall fairly and equally provide administrative services to all local schools and pre-schools as set forth in this Code. Each attendance area shall elect a local school board to advise their local school on local school matters. The CSAs and local schools shall have day-to-day management authority over their schools.

**Section 3.3 Single BIE Grant**

The Hopi Tribe School System shall be administered under a single BIE grant. Following enactment of this Code, the Tribe shall apply to BIE to operate its local schools, which are Tribally Controlled Schools, under a single BIE grant.

**Section 3.4 Geographical Boundaries**

The geographical boundaries of the Hopi Tribe School System shall be the exterior boundaries of the Hopi Reservation. Any child(ren) who live on, near or adjacent to the Hopi Reservation shall be eligible to attend local schools included in the Hopi Tribe School System.

**Section 3.5 Federal Tort Claims Act applicable**

As tribally controlled schools under the Tribally Controlled Schools Act, the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680, applies to claims of negligence or wrongful acts or omissions against the Hopi Tribe School System. In brief, the Federal Tort Claims Act limits any possible liability of the Hopi Tribe School System to claims under \$2,500. Any claims over \$2,500 shall be paid, if appropriate, from other federal funds available to settle claims (federal judgment funds).

**CHAPTER 4. HOPI BOARD OF EDUCATION**

**Section 4.1 Creation of Hopi Board of Education as a Regulated Entity**

- 4.1.A There is hereby established the Hopi Board of Education for the purpose of overseeing the operation of all local schools and pre-schools within the Hopi Tribe School System. The Board shall be organized as a Hopi Regulated Entity, as set forth in Hopi Tribal Council Resolution H-118-2015, Chapter 1.H. The Board shall be responsible for educational leadership and empowered to act in an

authoritative and policy-making capacity consistent with applicable Tribal, state and federal law.

- 4.1.B The first Board election shall occur within six (6) months of enactment of the Code.
- 4.1.C The Hopi Board of Education established under Ordinance No. 36 shall be disbanded upon the date of the swearing in of the first Hopi Board of Education under this Code.
- 4.1.D The local school boards established under Ordinance No. 36 shall continue to operate, except all authorities provided in Ordinance No. 36, including their governing, fiscal, and oversight powers, shall be transferred to the Board upon the date of the BIE's approval of the Tribe's application to operate the Hopi Tribe School System. The local school boards shall have the responsibilities set forth in Section 6 of this Code.
- 4.1.E All local schools shall have day-to-day management authority over their schools, and shall follow the policies and procedures as approved by the Hopi Board of Education.

**Section 4.2 Membership and voting**

- 4.2.A The total number of Board members shall be thirteen (13) members, and they shall be elected or appointed as follows: *[Should the appointed members be for the first Board only or continue for all future Boards? Another option is to that all Board members be elected by the 7 Attendance areas and that they have educational or professional experience, and include alternates. This would be a smaller sized Board.]*
  - 4.2.A(1) Seven (7) members shall be elected, one from each of the seven (7) attendance area designations. These elections shall be conducted by the Hopi Election Board and the Hopi Election Office. *These elections shall be held when the attendance areas' villages conduct the election of their Tribal Council representatives.*
  - 4.2.A(2) Six (6) members shall be nominated to the Board by the Chairman of the Hopi Tribe and appointed by the Tribal Council. These members shall be appointed to ensure that the Board contains education and other relevant expertise. Each local school shall consult with their local school board and may submit one (1) candidate for each of the six (6) Board categories listed in Section 4.2.D to the Chairman for consideration. Candidates may also self-nominate themselves to the Chairman for consideration, and the Chairman may make his or her own nominations.

- 4.2.A(3) The Board members shall vote for a Chairperson and Vice Chairperson of the Board, who shall both be one of the seven (7) elected Board members.
- 4.2.B All Board members shall meet the following qualifications:
  - 4.2.B(1) Shall be an enrolled member of the Hopi Tribe;
  - 4.2.B(2) Shall be at least 25 years of age;
  - 4.2.B(3) Shall not be a member of the Tribal Council or a member of a local school board; and
  - 4.2.B(4) Shall successfully pass a background check, and not have been convicted of a felony, or of any crime against a child or involving a sexual offense.
- 4.2.C Elected Board members shall meet the following additional qualifications:
  - 4.2.C(1) Candidates shall reside in the attendance area that they seeking to represent for at least one year immediately preceding the date of the election;
  - 4.2.C(2) Candidates shall not be a current employee or direct relative of a current employee of the Hopi Tribe School System, a member of a local school board, or a current employee or direct relative of a current employee of the Department;
  - 4.2.C(3) Candidates shall have at least a high school diploma or a certificate of high school equivalency; and
  - 4.2.C(4) Candidates shall be either a parent of at least one child enrolled in the attendance area school that they are seeking to represent at the time of his/her election, or have at least five (5) years experience in school administration or as a certified teacher.
- 4.2.D Appointed Board members shall meet the following additional qualifications:
  - 4.2.D(1) One (1) appointed Board member shall be an individual who is recognized for his/her knowledge of Hopilavayi and traditional Hopi culture and history and appointed in consultation with the Cultural Resources Advisory Team of the Hopi Cultural Preservation Office and shall not be a current employee of the Hopi Tribe School System.
  - 4.2.D(2) One (1) appointed Board member shall hold at least a Bachelor's degree in Education or an education-related field and have at least five

(5) years experience in education or an education-related field and shall not be a current employee of the Hopi Tribe School System.

4.2.D(3) One (1) appointed Board member shall have at least a Bachelor's degree in a business-related or human resources-related field and have at least five (5) years experience in one of these fields and shall not be a current employee of the Hopi Tribe School System.

4.2.D(4) One (1) appointed Board member shall have at least five (5) years experience in either a transportation or operations and maintenance field and shall not be a current employee of the Hopi Tribe School System.

4.2.D(5) One (1) appointed Board member shall be a CSA employed by a local school at the time of his/her appointment.

4.2.D(6) One (1) appointed Board member shall be a teacher employed by a local school at the time of his/her appointment.

4.2.E Board members appointed pursuant to Sections 4.2.D(5) and (6) shall be employees of different local schools.

4.2.F Each elected and appointed Board member shall have one (1) vote at all regular and special meetings.

### **Section 4.3 Terms of Office**

4.3.A Elected Board Members. The term of office for each elected Board member shall be four (4) years. The positions shall be staggered with three (3) of the elected members being elected for an initial two (2) year term, and every four (4) years thereafter, and with four (4) members being elected for an initial four (4) year term, and every four (4) years thereafter. Prior to the election of the initial Board members, the Transition Committee shall determine which elected positions shall serve the initial two (2) and four (4) year terms.

4.3.B Appointed Board Members. The term of office for each appointed Board member shall be four (4) years. The positions shall be staggered with three (3) of the members being appointed for an initial two (2) year term, and every four (4) years thereafter, and with three (3) members being appointed for an initial four (4) year term, and every four (4) years thereafter. Prior to the appointment of the initial Board members, the Transition Committee shall determine which appointed Boards members shall serve the initial two (2) and four (4) year terms.

4.3.C Term Limits. Both elected and appointed Board members shall be subject to a three (3) term limit. The initial two (2) year and four (4) year terms shall be included in the total count of three (3) term limit.

**Section 4.4 Removal from the Board**

- 4.4.A Elected Board members are subject to removal pursuant to the rules and procedures regarding removal of elected officials, established in the Hopi Election Ordinance or other Hopi law\_\_\_\_\_.
- 4.4.B Appointed Board members are subject to removal pursuant to the rules and procedures regarding removal of appointed officials, established in the Code of Ethics developed pursuant to this Code.

**Section 4.5 Vacancy on the Board**

- 4.5.A If a vacancy occurs within the elected membership of the Board due to death, resignation or removal, the Board shall call a special election within thirty (30) calendar days of the vacancy, and a new Board member shall be elected in the attendance area in which the vacancy occurs. If less than ninety (90) days remains in the original term on the date of vacancy, the seat shall remain vacant until the next regular election.
- 4.5.B If a vacancy occurs within the appointed membership of the Board due to death, resignation or removal, the Tribal Chairman shall nominate, with the confirmation of the Tribal Council, a new Board member in which the vacancy occurs. If less than ninety (90) days remains in the original term on the date of vacancy, the seat shall remain vacant until the next regular appointment.

**Section 4.6 Duties and Obligations of Hopi Board of Education**

- 4.6.A The duties and obligations of the Hopi Board of Education shall be to conduct educational policy, financial management, and administrative services over all local schools and pre-schools within the Hopi Tribe School System, including but not limited to:
  - 4.6.A(1) Approve Tribal education policies and programs in accordance with this Code;
  - 4.6.A(2) Appoint, oversee, and discharge the Superintendent of the Hopi Tribe School System;
  - 4.6.A(3) Approve or disapprove the hiring of Central Administration Office staff, who shall work under the supervision of the Superintendent to provide administrative services to the schools and implement Hopi Tribe School System policies and procedures;
  - 4.6.A(4) Appoint and discharge CSAs after reviewing recommendations from local school boards and Superintendent;

- 4.6.A(5) Keep records and minutes of all meetings. Such records shall be prima facie evidence of the facts therein stated;
- 4.6.A(6) Review regular, monitoring and evaluation reports by the Superintendent, local school boards and local schools regarding the condition, needs, and progress of education on the Reservation, which shall include, but not be limited to, the “Annual State of Hopi Education Report”;
- 4.6.A(7) At least three (3) members of the Board shall be present for and assist the Superintendent with the presentation of the Annual State of Hopi Education Report to the Tribal Council;
- 4.6.A(8) Approve Tribal education standards for local schools and pre-schools that will provide rigorous goals for Hopi students. The education standards shall be developed to include the following areas of study: academics; Hopi language, culture, history; Hopi government, Reservation natural resources and economics; health and nutrition; self-confidence and emotional well-being; and parenting and family life;
- 4.6.A(9) Approve a consistent curriculum that is aligned with the Tribal education standards to ensure quality and effective formal education for the Hopi Sinom and to foster the learning spirit within Hopi children;
- 4.6.A(10) Approve policies and procedures implementing an accountability system, which shall include but not be limited to, the accountability provisions of federal education laws;
- 4.6.A(11) In consultation with the Superintendent, local school boards, CSAs, educators and other Stakeholders, determine the administrative areas which shall be centralized in the Central Administration Office;
- 4.6.A(12) In consultation with the Superintendent, local school boards, CSAs, educators and other Stakeholders, create a comprehensive program for special needs education;
- 4.6.A(13) Ensure that all local schools fairly and equally receive services based on their student enrollment and status as a Tribally Controlled school;
- 4.6.A(14) In consultation with the Superintendent, local school boards, CSAs, educators and other Stakeholders, review and analyze educational programs submitted by local educational agencies which have entered or are seeking to enter cooperative agreements with the Hopi Tribe under the Every Students Succeeds Act, Pub. L. No. 114-95 (2015);

- 4.6.A(15) Review and approve annual appropriations and operating budgets for the Hopi Tribe School System, Central Administration Office, and local schools consistent with this Code;
- 4.6.A(16) Develop an evaluation policy for all local school staff;
- 4.6.A(17) Develop a nepotism policy in hiring and staffing decisions;
- 4.6.A(18) Develop background check and personnel policies for all Hopi Tribe School System staff and local school board members;
- 4.6.A(19) Establish a policy requiring professional development trainers to be certified in their respective fields;
- 4.6.A(20) Establish procedures and criteria for endorsing Hopi language and culture program and licensure for “Hopi Language and Culture Teachers” as set forth in Chapter 13 of this Code;
- 4.6.A(21) Resolve or cause to be resolved conflicts between local school boards; and
- 4.6.A(22) Ensure that all applicable Hopi, federal and state education laws are followed.

**Section 4.7 Duties and Obligations of the Hopi Board of Education Chairperson and Vice-Chairperson**

- 4.7.A The Hopi Board of Education Chairperson shall:
  - 4.7.A(1) In consultation with the Superintendent, prepare an agenda for all Board meetings; and
  - 4.7.A(2) Preside over all Board meetings and oversee Board functions.
- 4.7.B The Hopi Board of Education Vice-Chairperson shall:
  - 4.7.B(1) Perform all Chairperson functions in the absence of the Chairperson; and
  - 4.7.B(2) Assume the Chairperson position in the event of a vacancy of the Chairperson until a new Chairperson is selected.

**Section 4.8 Hearings**

The Hopi Board of Education shall have the power to hold public hearings on education related topics as needed.

**Section 4.9 Committees**

4.9.A The Hopi Board of Education may create “Committees” to address specific Hopi education related issues.

4.9.B Committee Membership may include, but not be limited to, Board members, CSAs, educators, parents, field specialists/professionals, business managers, students, and community members.

4.9.C Committee members shall be appointed to a Committee by a majority vote of a properly held meeting of the Board. Local school boards, local schools and Stakeholders may submit nominations to the Board for it to consider for a Committee. The Board may make nominations, and candidates may self-nominate themselves to the Board.

4.9.D The Hopi Board of Education shall create the following specific Committees:

4.9.D(1) Transition Committee: Committee to oversee and assist with transition to the Hopi Tribe School System and planning and implementation of the new Hopi Education Code and areas to be centralized. The Transition Committee shall be established as set forth in Section 2.5.

4.9.D(2) Policies and Procedures Committee: Committee to assist with drafting of Hopi Tribe School System policies and procedures.

4.9.D(3) Strategic Planning Committee: Committee to oversee strategic planning and creation of a Comprehensive 5-year and 10-year Hopi Education Plan.

4.9.D(4) Hopilavayi Committee: Committee to oversee the creation of a Comprehensive Hopi language, culture and history curriculum and assessment program.

4.9.D(5) Junior High School Committee: Committee to analyze the separation of seventh (7<sup>th</sup>) and eighth (8<sup>th</sup>) graders from the Hopi Junior/Senior High School.

4.9.D(6) Hopi Youth Committee: Committee to enable Hopi students to gather and identify issues of concern, share ideas and resources, help solve school and community issues, and develop self-confidence, identity and responsibility.

**Section 4.10 Bylaws**

- 4.10.A The Board shall adopt bylaws establishing rules of procedure and internal governance within three (3) months following the Hopi Board of Education's first swearing in authorized by this Code.
- 4.10.B These Bylaws shall be submitted to the Hopi Tribal Council for approval and ratification.

**Section 4.11 Policies and Procedures**

- 4.11.A The Board shall adopt school policies and procedures within nine (9) months following the Hopi Board of Education's first swearing in authorized by this Code.
- 4.11.B In developing policies and procedures, the Superintendent shall consult with local school boards, CSAs, educators, parents and other Stakeholders, and consider special circumstances of local schools.
- 4.11.C Corporal punishment shall not be permitted as a form of discipline in any policy of the Hopi Tribe School System.
- 4.11.D The Board shall develop a social media policy for the Hopi Tribe School System.
- 4.11.E The policies and procedures shall be submitted to the Hopi Tribal Council for approval and ratification.

**Section 4.12 Code of Ethics**

The Board shall approve and adopt a Code of Ethics which shall apply to Board members, educators, local school board members, and all employees of the Hopi Tribe School System. The Code of Ethics shall contain procedures for hearings and resolution of any ethical issues, including the presentation of written or oral testimonies and evidence, consideration of testimony and evidence presented and appropriate and reasonable penalties for violations of the Code of Ethics.

**Section 4.13 Responsibility for Unacceptable Performance of Duties**

In exercising any powers granted, each Board Member shall not be immune from any responsibility that results from willful, knowledgeable and unacceptable performance of his/her duties.

**Section 4.14 Meetings**

- 4.14.A All meetings of the Board where official action is taken shall be public. Executive sessions of the Board may be called to discuss but not act upon sensitive or confidential matters and shall not be open to the public.

- 4.14.B Board meetings shall rotate among all seven (7) attendance areas so that any and all interested Stakeholders have the opportunity to attend a Board meeting. At least one meeting per year shall be held within each attendance area.
- 4.14.C The Board shall meet at least once per month with a minimum of seven (7) meetings per year, or on a schedule as is necessary to carry out its responsibilities, or at the call of its Chairperson.
- 4.14.D A quorum, consisting of a simple majority of elected and appointed Board members, shall be present to begin an official meeting of the Board. Quorum is required for the Board to vote on an official act of the Board.
- 4.14.E A simple majority of all members of the Board is necessary to approve an act of the Board.
- 4.14.F During Board meetings, an opportunity shall be made available for the public to speak on any issue before the Board.
- 4.14.G Special Meetings shall be allowed.
- 4.14.G(1) Only the Chairperson may call a Special Meeting. Special meetings shall be announced with a written notice and agenda items specified.
- 4.14.G(2) The Chairperson shall give at least forty-eight (48) hours notice to all Board members and the public.
- 4.14.H Any person who requests the Board to accept an appeal or any other hearing or meeting shall first exhaust all Hopi Tribe School System remedies, policies and procedures.

#### **Section 4.15 Hopi Tribe School System Budget**

The Board shall approve a budget for the Hopi Tribe School System. Local schools shall receive all BIE and other federal funding based on their 3-year student enrollment average and as otherwise provided for under federal law. From this amount, the Board shall fund necessary Board and Central Administration Office operations and expenses. The Board shall calculate the amount to be subtracted as a percentage of the funding each local school receives. The Board shall apply the same percentage rate to all local schools. As required under federal law, the total administrative costs allowed for the Hopi Tribe School System, which are paid by federal grant funds, cannot exceed the administrative cost grants' calculated need amount.

#### **Section 4.16 Board Expenses and Compensation**

- 4.16.A Each year, the Board shall approve a budget for all its travel, training, and other Board expenses. Board members shall also receive a stipend for discharging their duties as Board members.

4.16.B All Board expenses and stipends shall be included in the Hopi Tribe School System annual audit and submitted to Tribal Council as part of the Annual State of Hopi Education Report.

4.16.C The Board's budget shall be developed in accordance with the Tribally Controlled Schools Act, and other federal funding restrictions applicable as a Bureau-funded school and school board. *Tribal Council shall approve the Board's annual budget?*

## **CHAPTER 5. SUPERINTENDENT AND CENTRAL ADMINISTRATION OFFICE**

### **Section 5.1 Hiring of Superintendent**

Within one year of the enactment of this Code, the Hopi Board of Education shall appoint a Superintendent who shall serve as the chief administrative officer of the Hopi Tribe School System.

### **Section 5.2 Qualifications of Superintendent**

Superintendent qualifications shall be specified by the Hopi Board of Education, and shall include, but not be limited to:

5.2.A At least five (5) years of mid-level to senior level supervisory management with proven experience in:

5.2.A(1) Ability to improve student achievement,

5.2.A(2) Staff hiring, placement, mentorship, evaluation, and professional growth development,

5.2.A(3) Ability to build relationships, foster teamwork and develop and build networks within and beyond the Hopi Tribe School System,

5.2.A(4) Knowledge and application of school laws and policies related to finance, school operations and personnel matters,

5.2.A(5) Ability to implement curriculum, instruction, and assessment, and

5.2.A(6) Effective communication, conflict resolution, and leadership skills;

5.2.B At least a Master's degree in an education-related field from an accredited institution; and

5.2.C A current Superintendent certification and a professional certificate (teaching).

**Section 5.3 Superintendent’s Educational Vision and Leadership**

Superintendent shall provide educational vision and leadership for all Hopi schools, which shall include, but not be limited to:

- 5.3.A Providing leadership and direction to all CSAs, local school board members, educators and staff, students, and community members;
- 5.3.B Promoting the Hopi Tribe’s sovereignty over Hopi students’ education;
- 5.3.C Supporting and including Hopi language, culture and history in the education of Hopi students;
- 5.3.D Implementing Hopi Board of Education policies to achieve educational excellence in all Hopi schools;
- 5.3.E Ensuring professional development and growth among all education staff; and
- 5.3.F Maintaining a strong record of strategic planning implementation and a strong record of external relationship development and leadership.

**Section 5.4 Duties of Superintendent**

Duties of the Superintendent shall include, but not be limited to:

- 5.4.A Supervise and manage Central Administration Office staff;
- 5.4.B Develop, administer, and manage Hopi Tribe School System budgets;
- 5.4.C Review and ensure compliance with contracts, budget proposals, and modifications prepared by CSAs;
- 5.4.D Oversee the preparation and filing of financial and other reports and annual audits to be submitted to the BIE;
- 5.4.E Approve or disapprove local schools’ hiring recommendations for school staff;
- 5.4.F In consultation with the local school boards, conduct annual evaluations of CSAs; and
- 5.4.G Discuss education-related issues, concerns, policy direction, and needs with Stakeholders.

**Section 5.5 Reporting and Records Requirements**

- 5.5.A Superintendent shall, in consultation with local school boards, CSAs, and principals:

- 5.5.A(1) Compile student data to submit reports to Hopi Board of Education;
- 5.5.A(2) Meet with Hopi Board of Education at least once per month and give monthly report on pre-schools, local schools, local school boards, and Central Administrative Office; and
- 5.5.A(3) Provide reports to community members and tribal, state, and federal officials as needed to fulfill the provisions of this Code.
- 5.5.B All collected privileged and confidential information shall be stored in the Superintendent's central office and access to such information shall be restricted to only authorized persons in accordance with the Hopi Tribe School System privacy policy developed under this Code.
- 5.5.C The Superintendent, in consultation with pre-schools, local schools, local school boards, CSAs and the Board, shall prepare an "Annual State of Hopi Education Report" and present it to the Tribal Council and the Hopi Sinom.
  - 5.5.C(1) The Annual State of Hopi Education Report shall include, but not be limited to: educational statistics reported annually by pre-schools and local schools, including: enrollment, proficiency assessment results, pupil-teacher ratios, educator retention, graduation, dropouts, attendance rates, and financial data and audits.
  - 5.5.C(2) The Annual State of Hopi Education Report shall be provided to the Tribal Chairman, Tribal Council and other Stakeholders no later than August 1 each year reporting on the preceding school year.
  - 5.5.C(3) Each local school, pre-school, and CSA shall provide reports of his or her school to the Superintendent to assist the Superintendent in preparation of the Annual State of Hopi Education Report.

**Section 5.6 Central Administration Office Staff**

Within budgetary limits and in consultation with the local school boards, pre-schools, and local schools, the Superintendent may hire, with the approval of the Board, the Central Administration Office staff, to carry out the duties and responsibilities of the Board and the Hopi Tribe School System.

**CHAPTER 6. LOCAL SCHOOL BOARDS**

**Section 6.1 Purpose**

The purpose of local school boards is to provide each local school with individualized assessment and support so that the local schools can provide the most effective education services for local students and have more direct contact with their local community members and parents.

**Section 6.2 Establishment**

There is hereby established local school boards for the purpose of advising local schools within the Hopi Tribe School System on local school matters. These local school boards shall be the same local school boards originally certified under Ordinance No. 36, except their governing, fiscal and administrative powers shall be transferred to the Hopi Board of Education. The local school boards shall have all responsibilities set forth in this Chapter.

**Section 6.3 Membership and Elections**

- 6.3.A In consultation with local schools and local school boards, the Hopi Board of Education shall establish eligibility requirements for local school board membership, length of terms, and elections. Eligibility requirements shall be consistent among all local school boards.
- 6.3.B Once elected, the local school board shall select a president and vice-president.
- 6.3.C All local school board members shall pass background checks.
- 6.3.D Terms of office shall be not less than two (2) years and staggered to provide continuity of membership on the local school boards.
- 6.3.E Local school board members shall be subject to a three (3) term limit.
- 6.3.F Local school board members shall not be employees of the Department or of the local school they are seeking to represent in their attendance area designation.
- 6.3.G The first election for local school board members shall be held within sixty (60) days of the date the Hopi Board of Education adopts its policies and procedures, or as otherwise advised by the Transition Committee or the Hopi Board of Education.
- 6.3.H Subsequent elections shall be held on an annual basis between November 1 and December 1 each calendar year to begin their terms on January 1.

**Section 6.4 Meetings**

- 6.4.A There shall be a minimum of ten (10) regular meetings held per year.
- 6.4.B All meetings where official action is taken shall be public meetings. School boards may call executive sessions to review materials immediately before a public meeting.
- 6.4.C Recall and termination procedures shall be specified. The Hopi Board of Education shall be responsible for ensuring that established procedures are followed in the conduct of any recall or termination action.
- 6.4.D The local school board has the authority to call special meetings as needed.

Special meetings shall be called forty-eight (48) hours in advance of the meeting. The president shall specify an agenda for a special meeting and give at least forty-eight (48) hour notice to all local school board members and the public.

**Section 6.5 Bylaws**

Within sixty (60) days of the first swearing in of the local school board, each local school board shall draft a new set by bylaws based on Hopi Tribe School System policies and procedures, and inclusive at a minimum of the provisions of Section 6.3, and providing rules and regulations for their governance.

**Section 6.6 Duties of Local School Boards**

Duties of local school boards shall include, but not be limited to:

- 6.6.A Review and analyze their local school's student data which demonstrates students' academic achievement;
- 6.6.B Advise their local school in the development of specific goals to improve students' academic achievement;
- 6.6.C Advise their local school of actions and strategies to allow their schools to attain those goals;
- 6.6.D Advise their local schools on local school budget needs and proposed expenditures;
- 6.6.E Review and approve the local school's proposed financial plan based on local school budget needs and proposed expenditures and provide this proposed financial plan to the Hopi Board of Education;
- 6.6.F Approve or disapprove attendance area waiver applications;
- 6.6.G Advise their local school in implementing and consulting on Hopi Board of Education policies;
- 6.6.H Advise their local school of community and parental concerns and implementation of the Parent and Community Involvement Policy of this Code;
- 6.6.I Take actions to increase parents and community participation in school activities and programs;
- 6.6.J Take actions to support local school educators and administrators;
- 6.6.K Advise their local school and the Hopi Board of Education on hiring and dismissal recommendations of school staff;
- 6.6.L Keep records of all meetings and special meetings; and

6.6.M Advise or assist local schools with matters not otherwise within the jurisdiction of the Hopi Board of Education.

**Section 6.7 Review of Local School Board Budget**

Operating expenses, member compensation, training and travel budget of local school boards shall be reviewed by the Superintendent who shall approve or deny expenses based on policies and procedures developed by the Board.

**CHAPTER 7. LOCAL SCHOOLS**

**Section 7.1 Day-to-Day Management Authority of Local Schools**

Local schools, their CSA and their administrative staff shall have day-to-day management authority to operate their school and shall retain all other powers not otherwise within the jurisdiction of the Hopi Board of Education and the Superintendent. Any use of local school authority shall be exercised pursuant to Hopi Tribe School System policies and procedures.

**Section 7.2 Chief School Administrators**

7.2.A CSAs shall be the primary school official responsible for implementing the policies and procedures of the Hopi Tribe School System.

7.2.B CSAs shall report to their local school board, the Superintendent, and the Hopi Board of Education as required under Hopi Tribe School System policies and procedures.

7.2.C In consultation with their local school board, CSAs shall identify their duties and responsibilities to improve educational opportunities and results in their schools.

**Section 7.3 Reporting Requirements**

Local schools shall submit student data to Superintendent as part of the Hopi Tribe School System reporting and accountability systems developed pursuant to this Code.

**Section 7.4 Finances and bank accounts**

7.4.A All funds in existing bank and investment accounts, as of the date of enactment of this Code, shall remain the sole property of the local school and local school board to which they are associated.

7.4.B Any existing grants or gifts, as of the date of enactment of this Code, which are granted or otherwise bequeathed to a specific local school shall remain the sole property of the local school designated by the grantor to receive those funds. This subsection does not apply to federal or state funds.

**CHAPTER 8. DEPARTMENT OF EDUCATION AND  
WORKFORCE DEVELOPMENT**

The Hopi Tribe’s Department of Education and Workforce Development shall collaborate with the Hopi Tribe School System to ensure that the Department’s programs, including, but not limited to, early childhood, Head Start, Hopilavayi, and post-secondary education and workforce development are aligned with the Hopi Tribe School System’s programs and curriculum.

**CHAPTER 9. STANDARDS, ASSESSMENT, AND ACCOUNTABILITY**

**Section 9.1 Development of Three-Part Hopi Achievement System**

The Hopi Tribe is dedicated to ensuring that the Hopi Tribe School System and all local schools are providing students with the most effective, accountable, and consistent education to prepare Tribal members for life on and off the Reservation. To assist in this effort, the Board shall establish a three-part Hopi Achievement System, which shall include: a set of rigorous education standards, assessments, and an accountability system. Together, this three-part system shall identify policies and procedures to set goals for Hopi students, measure and ensure that student achievement levels are meeting established goals, acknowledge school successes, and provide support for improvement where necessary.

**Section 9.2 Structure of Three-Part Hopi Achievement System**

- 9.2.A Education Standards. In consultation with Stakeholders, the Board shall approve rigorous education standards that specify what students need to know and be able to do in order to be prepared for post-secondary life, including but not limited to college, vocational school, military service, apprenticeships, and career and life readiness.
- 9.2.B Assessments. The assessments shall be aligned with the education standards to measure whether students are on track to meet the education standards.
- 9.2.C Accountability.
  - 9.2.C(1) The Board shall collaborate with all local schools and Stakeholders to develop and implement an accountability system. The accountability system shall inform the Hopi Tribe School System and local schools regarding what steps they need to take to improve student skills and knowledge.
  - 9.2.C(2) The accountability system shall set goals for improving student performance on assessments and graduation rates for all students, and the actions that shall result from determinations on whether the schools are meeting those goals or not. These actions can include,

but not be limited to, rewards or recognition for high-performing schools, and resources, support, and interventions for schools that are struggling to meet education standards.

- 9.2.C(3) The Board shall rely, at least in part, on the accountability provisions contained in the Every Student Succeeds Act, Pub. L. No. 114-95, 1111(c), in developing its accountability system.

### **Section 9.3 Creation of Hopi Education Information System**

The Board shall establish and maintain a Hopi Education Information System to create a uniform system of records and comprehensive database for pre-schools, local schools and students. Through the database stored in HEIS, the Hopi Tribe School System will be able to track academic performance, graduation rates, and post-secondary activities of students in all its schools. The HEIS shall assist the Superintendent, Board, Hopi Tribe School System and local schools in identifying those teaching methods, curriculum and policies which are improving student achievement and those which are not. *[Alternatively, should Hopi continue to participate in the BIE record system, NASIS? Maybe continue until a HEIS can be developed?]*

### **Section 9.4 Records Reporting**

To ensure an effective educational accountability system, each local school shall provide academic test scores on each individual student to the Superintendent. The Superintendent shall use student test data to create Hopi achievement profiles. The achievement profiles shall be shared with each school to assist them in improving academic achievement. On an annual basis, the Board shall publish an Accountability Report, including each local school's rating, student achievement data, and related information for public dissemination.

### **Section 9.5 Privacy of Student Records**

The Hopi Tribe School System shall develop and comply with a student records privacy policy. The Board shall consider the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, in the use of student information for reports and research purposes and in the development of its student records privacy policy.

## **CHAPTER 10. COMPULSORY SCHOOL ATTENDANCE**

### **Section 10.1 Compulsory Attendance and Length of School Year**

- 10.1.A Every child residing within the exterior boundaries of the Reservation between the ages of five (5) and eighteen (18) years of age shall attend a Hopi School, State public school, or BIE operated school during the entire time that the school is in session, unless they are given an exemption as defined in this Chapter.

10.1.C Notwithstanding any other law or exigent circumstance, school instruction shall be conducted in each local school for school sessions that total at least one hundred and eighty (180) days. For purposes of this Section, “one hundred eighty days” means one hundred eighty (180) days of instruction or an equivalent number of minutes of instruction per school year based on a different number of days of instruction approved by the Board.

## **Section 10.2 Compulsory Attendance – Exemptions**

The provisions of Section 10.1 of this Chapter shall not apply, and absences shall not be counted against a student, if the person having responsibility for the child or the child demonstrates to the satisfaction of the local school that:

- 10.2.A The child has completed high school or a state- or Hopi-approved GED/Alternative school program;
- 10.2.B The child is enrolled in a state- or Hopi-approved GED/Alternative school program;
- 10.2.C The child is receiving a home education as provided by Chapter 15 of this Code; or
- 10.2.D The child’s absences are “excused.” The Board shall develop a policy determining:
  - 10.2.D(1) What conditions constitute an excused absence; and
  - 10.2.D(2) The form of evidence an individual responsible for a child under this Section shall provide to verify the reason for a child’s absence from school.

## **Section 10.3 Failure to Send Child to School – Minor Offense**

Any person who is responsible for a child of compulsory school age who fails to take all reasonable steps to ensure the child is in attendance at a local school for the duration of each school year as provided under this Chapter is guilty of a minor offense as provided under Title III, Chapter 6, Section 3.6.5 of the Hopi Code.

## **Section 10.4 Truancy**

Where a person having responsibility for a child complies with this Chapter by taking all reasonable steps to ensure the child is in attendance at school, but the child by their own actions does not attend school in compliance with this Chapter, and is not exempt under Section 10.2, that child shall be adjudicated *as truant under \_\_\_\_\_ of the Hopi Code/Ordinance.*

### **Section 10.5 Compulsory Attendance – Enforcement**

Each local school is charged with the enforcement of this Chapter. This Chapter is applicable to any child who is offered school facilities by a local school, to the fullest extent allowable under the law. Each educator shall investigate any alleged or apparent violation of this Chapter, and shall offer the opportunity to any parent of a child in violation of this Chapter to provide the reason, if any, for the absence. The CSA or the CSA's designee of the child's school shall report to the appropriate law enforcement agency the facts of any alleged violation of this Chapter.

### **Section 10.6 Administrative Procedures**

Notwithstanding the provisions of this Chapter, the Board shall ensure that policies are in place that provide administrative procedures which shall be followed when a child is absent from or late for school in excess of a specific number of instances as determined by the Board. Such procedures shall contemplate appropriate methods to improve the child's attendance. The local school shall ensure that both the parents and the child are aware of the negative consequences of excessive absences, consequences which may affect the child's ability to advance to the next grade level, the loss of school credit, or the child's ability to graduate.

## **CHAPTER 11. ATTENDANCE AREA DESIGNATION**

### **Section 11.1 Purpose**

The Hopi Tribe strives to support the local community nature of all local schools and to support the unique values and culture of Hopi villages. The Tribe wants to ensure that students are provided the stability and social networks critical to their academic and social development. The Tribe aims to reduce the disruption and safety hazards posed by large number of buses entering and leaving the villages every day to pick up students for school. The Tribe wants to reduce the amount of administrative time required to process the students who are entering or leaving Hopi schools due to the open enrollment policy previously required by the No Child Left Behind Act. Since enactment of the Every Students Succeeds Act, schools are no longer required to have an open enrollment policy.

### **Section 11.2 Maintain Existing Attendance Area Designations**

The Secretary requires Hopi's local schools to define attendance area boundaries. 25 U.S.C. § 2004. Pursuant to Ordinance No. 36, section 9, Hopi villages previously set attendance area boundaries for each local school. These boundaries shall remain in full force and effect and are adopted and incorporated into this Code. *[Can we reference the Maps specifically in some way? Do they have some identifier – Date, Title, Number? Should we add maps as an appendix?]*

### **Section 11.3 Attend the Local School in a Student's Attendance Area**

All students shall attend the local school of the attendance area within which they reside.

**Section 11.4 Waiver for Attendance Area Requirement**

11.4.A In the event that a parent or guardian wishes their child to attend a school not within the attendance area of their residence, they may apply to their local school's CSA for a waiver to attend a different school not within the attendance area. The CSA shall make a recommendation to the local school board which shall issue a decision.

11.4.B The Hopi Board of Education, in consultation with the local school boards, Superintendent, CSAs and principals, parents, and other stakeholders, shall develop a policy to grant or deny a waiver application. In developing the waiver policy, the Board shall consider such factors as:

11.4.C(1) Educational program offerings;

11.4.C(2) Transportation concerns; and

11.4.C(3) Documented need for a student to attend a local school outside the attendance area of his/her residence.

11.4.C A parent or guardian may appeal a local school board's waiver denial to the Hopi Board of Education. Appeals shall be in writing and include information submitted by the parent or guardian, the CSA, local school board, and the Superintendent. The Board shall decide any appeals within sixty (60) days of receipt of the appeal. The Board's decision shall be final.

11.4.D A CSA for a local school may accept a student from outside their designated attendance area at their option. Only out of area students with attendance area waivers may be counted in the Average Daily Attendance for the purpose of computing funding allotment entitlements.

**Section 11.5 Attendance Area Designation Requirement Applies Prospectively**

Implementation of the Attendance Area Designation requirement to attend the local school of the attendance area within which a student resides shall be conducted prospectively on a rolling basis as follows:

11.5.A All enrolled students in Hopi schools as of the date of enactment of this Code shall be "grandfathered in" and can either participate in the open enrollment policy of Hopi Tribal Resolution H-100-2002, or attend the local school of the attendance area within which they reside.

11.5.B The Attendance Area Designation requirement shall begin with Kindergarten of the first full school year following the date of the Board's first swearing in, and shall add one grade with each succeeding year.

11.5.C If a parent wants to enroll a child into a local school and the child has not previously been enrolled at a Hopi school, the parent has other child(ren) who are “grandfathered in” and attending a school not in their attendance area, the parent may apply for a waiver and receive special consideration to send the new sibling to the same school as their other sibling(s).

**Section 11.6 Rescission of Open Enrollment Policy Once all Elementary Students Graduate Elementary School**

11.6.A Hopi Tribal Resolution H-100-2002 shall be repealed once all classes of elementary students, who are enrolled as of the Board’s first swearing in, graduate to the 7<sup>th</sup> grade.

11.6.B Once a student reaches the 7<sup>th</sup> grade, he or she shall attend the school within their attendance area designation if that elementary school offers 7<sup>th</sup> and 8<sup>th</sup> grade classes.

11.6.C If the school within their attendance area designation does not offer 7<sup>th</sup> and 8<sup>th</sup> grades, the student may either attend the Hopi Junior Senior High School, another Junior High School, or attend the nearest elementary school to their residence which accepts 7<sup>th</sup> and 8<sup>th</sup> grade students.

**Section 11.7 Modification of Attendance Area Designations**

The Hopi Board of Education may revise the attendance area designations following the procedure set forth below.

11.7.A If the Board determines that a modification of attendance area designations is needed, the Board shall consult with the local school board(s), local school(s) and Stakeholders affected by a possible designation modification to gather their input regarding any possible modification of the designation(s). The Board shall prepare a description of the new attendance area(s) with sufficient clarity to make the modified area readily identifiable.

11.7.B The Board’s review shall include the following factors:

11.7.B(1) School operational cost;

11.7.B(2) Travel time and distance;

11.7.B(3) Climatic conditions;

11.7.B(4) Local terrain;

11.7.B(5) Number of students;

- 11.7.B(6) Overlap, if any, with attendance area designation of neighboring schools; and
- 11.7.B(7) Maintaining cultural and linguistic consistency within a specific school.
- 11.7.C The Board shall issue a decision regarding any attendance area modification. In issuing its decision, the Board shall verify that the modified attendance area designation(s) are supportive of the Hopi Tribe School System's education interests and do not conflict with other local school attendance area designations.
- 11.7.D Within thirty (30) days of issuing a modification decision, a local school board or parent may appeal the Board's determination to the Health and Education Committee. Within thirty (30) days, the Health and Education Committee shall review the appeal, and issue a recommendation on the appeal to the Tribal Council. Within sixty (60) days of receiving the Health and Education Committee's recommendation, the Tribal Council shall review the appeal and issue a final decision.
- 11.7.E Failure to file an appeal within the prescribed periods of time shall render the Boards' decision final.

## **CHAPTER 12. EDUCATORS**

### **Section 12.1 Commitment to Educators**

The Hopi Tribe recognizes the valuable and significant importance of educators for Hopi children. Educators teach Hopi children during their most impressionable years and create a foundation of knowledge and skills that Hopi children will use for the rest of their lives. To assist educators in providing the highest quality education for Hopi children, the Hopi Tribe is committed to hiring, developing and retaining quality educators and providing a professional teaching environment for those educators. This commitment shall include, but not be limited to, assessing and addressing housing shortages and other limitations to recruiting and retaining quality educators.

### **Section 12.2 Certification Requirements**

- 12.2.A All local school and pre-school educators shall be certified by their respective certification agency. The certificate shall be based upon the level(s) of academic preparation and indicate the content/area authorization for which the individual is qualified.
- 12.2.B All educators shall gain and maintain specific knowledge and skills that will assist in improving their ability to serve students in the priority education areas of the Tribe as set forth in this Code.

### **Section 12.3 Hopi Cultural Orientation**

All certified local school and pre-school educators/instructors, administrators, education specialists and support staff shall participate in Hopi Cultural Orientation as developed by the Hopi Tribe School System which shall include the history, culture, values, and language of the Hopi Tribe.

### **Section 12.4 Educator Guidelines and Evaluations**

Local schools and pre-schools shall evaluate educators at least once a year. Local schools and pre-schools may perform these evaluations themselves or have them conducted by an outside entity. Educator evaluations shall be conducted according to the policies and procedures approved by the Board, provided, that:

- 12.4.A Evaluations shall be made in writing after reasonable observation of each educator's performance and review of the results of that performance;
- 12.4.B Copies of written evaluation summaries, the evaluation processed and any changes in the evaluation processes shall be provided annually to the Board; and
- 12.4.C Evaluations of educators shall include but not be limited to: assessment of instructional strategies; adherence to curricula objectives, including applicable Tribal curriculum; student progress and performance; learning climate; and use of evaluation findings.

### **Section 12.5 Recruitment, Mentorship, and Retention of Educators**

In consultation with the Superintendent, CSAs, local school boards, and educators, the Board shall oversee the creation of a recruitment, mentorship, and retention program for educators of the Hopi Tribe School System. This program may include a "Grow Your Own" program to identify and assist Hopi students who are interested in entering the teaching profession and encourage them to teach in Hopi schools.

### **Section 12.6 Prohibition on Employment of Certain Educators**

No individual may be employed as an educator in any school on the Reservation if:

- 12.6.A That individual has previously been terminated from any local school, pre-school, college, or educational institution, or for violation of the Code of Ethics developed pursuant to this Code;
- 12.6.B That individual's teaching certificate or license has been revoked; or
- 12.6.C That individual has been convicted of a felony, or of any crime against a child or involving a sexual offense.

**Section 12.7 Non-Educator Evaluations**

Non-educator professionals are staff who are not certified administrators and who do not provide direct instruction of academic content. Non-educator evaluations shall be based upon their specific job descriptions and shall include, but not be limited to, an assessment of: delivery of services, planning and implementation of Hopi Tribe School System, and student progress and performance.

**CHAPTER 13. HOPI LANGUAGE AND CULTURE PROGRAM**

**Section 13.1 Purpose**

The Hopi language is an essential element of the life, culture, tradition and identity of the Hopi people. The Hopi Tribe recognizes the importance of continuing and perpetuating the Hopi language to the survival of the Hopi people. To assist in the preservation and continuation of Hopi language speakers, the Hopi Tribe School System is committed to creating a rich and immersive Hopi language and culture programs within all Hopi schools. Instruction in the Hopi language shall include to the greatest extent practicable, thinking, speaking, comprehending, reading, writing and the study of the formal grammar of the Hopi language.

**Section 13.2 Hopilavayi Committee**

- 13.2.A As part of the Comprehensive 5- and 10-year Hopi Education Plan, the Hopi Board of Education and the Hopilavayi Committee shall undertake the creation of a comprehensive Hopi values, cultural and language program for all Hopi schools.
- 13.2.B The Hopilavayi Committee of the Hopi Board of Education shall oversee the creation of a certification program for all “Hopi Language and Culture Teachers.”
- 13.2.C The Hopilavayi Committee shall be the certifying entity for individuals seeking to attain licensure as a “Hopi Language and Culture Teacher.”
- 13.2.D Any individual who would like to apply for certification to become a Hopi Language and Culture Teacher shall submit an application to be reviewed and assessed by the Hopilavayi Committee.

**Section 13.3 Development of Hopilavayi Assessment Exam**

The Hopilavayi Committee shall:

- 13.3.A Create Hopilavayi certification requirements, for example, minimum score for passage on the Hopilavayi assessment exam and schedule of fees to apply for the certification exam;

13.3.B Establish a Hopilavayi assessment exam, which shall include but not be limited to, an oral proficiency interview and a written proficiency test; and

13.3.C Establish initial certification standards, for example, length of certification and reasons and procedures for revocation or suspension of a certification.

#### **Section 13.4 Certification Required**

13.4.A All educators who wish to teach Hopi language and culture shall be required to hold a Hopilavayi certification as a “Hopi Language and Culture Teacher” issued by the Hopilavayi Committee in compliance with the provisions found in this Chapter.

13.4.B All schools within the Hopi Tribe School System shall have at least one certified “Hopi Language and Culture Teacher.”

#### **Section 13.5 Pilot Program**

The Hopi Board of Education may create a Pilot Program to begin an immersion Hopi language and culture program. To create this Pilot Program, the Board may rely on existing and newly developed resources. Existing resources include, but are not limited to, locally trained language educators skilled and practiced in a research-based approach to the oral immersion model. This Pilot may integrate capacity building and locally trained language educators. All educators as part of this Pilot shall hold a certification as required by this Chapter.

### **CHAPTER 14. PARENT AND COMMUNITY INVOLVEMENT POLICY**

#### **Section 14.1 Parents and community involvement policy**

14.1.A The Hopi Tribe seeks to promote and encourage significant parental and community involvement in all local schools and pre-schools serving Hopi communities. Parents shall be informed of their children’s academic achievement and progress, and participate in their children’s educational pursuits.

14.1.B The Board shall develop a written parental and community involvement policy that shall describe the strategies for carrying out parental activities necessary to improve the quality of teaching and learning. The Board and/or Hopi Tribe School System staff shall consult with parents and Stakeholders in development of this policy.

14.1.C Every local school and pre-school shall provide technical assistance, parental training, and other resources necessary to coordinate parent programs.

**Section 14.2 Assist in Code, Curriculum, Standards, and other Policies Development**

- 14.2.A Every parent and community member shall be afforded the opportunity to fully participate in the implementation of this Code. Such inclusion and involvement shall include, but not be limited to: the development of Tribal curriculum, education standards, and educational policies and programs; review and amendments to this Code; and the preparation of the Annual State of Hopi Education Report.
- 14.2.B Parental and community inclusion and involvement shall be accomplished through open public meetings, sharing of information, and other appropriate means.
- 14.2.C Pre-schools, local schools, local school boards, and other educational institutions shall involve parents and members of the community in school educational policy including, but not limited to, the following ways:
  - 14.2.C(1) They shall include at least one parent or community member in the formal process of planning, developing, and evaluating curriculum, education standards, policies regarding school governance, educational policies and programs, and extra-curricular activities;
  - 14.2.C(2) They shall distribute draft copies of proposed curriculum, policies regarding school governance, and changes in curriculum and policies to parents and community members for review and input before the curriculum, policies, or changes are adopted or become effective;
  - 14.2.C(3) They shall develop written materials designed to familiarize parents with the local school or pre-school's curriculum and policies and detailing specific activities that parents and students may undertake together to enrich the students' formal educational experience and development; and
  - 14.2.C(4) In cooperation with the Board, they shall review their procedures for communication between the parents and schools and shall review the effectiveness of those procedures. They shall strive to develop ways to improve such procedures.

**Section 14.3 Local School reports provided to the Board**

Local schools and pre-schools shall annually report to the Board regarding their compliance with and progress under the provisions of this Code regarding parental and community involvement. A summary of these school parental reports shall be included as a section of the Annual State of Hopi Education Report each year.

**Section 14.4 Board shall Evaluate Compliance**

The Board shall regularly evaluate the compliance by and progress of local schools and pre-schools with the provisions of this Code regarding parental and community involvement.

**Section 14.5 Policy Applies to all Parents and Community Members**

The provisions of this Code regarding parental and community involvement shall apply to all parents and community members, including those students who are also parents. The need for parental and community involvement in local schools and pre-schools and other educational institutions shall be included in any Tribal curriculum containing instruction on parenting and family life.

**CHAPTER 15. HOME EDUCATION**

**Section 15.1 State Laws applicable**

Any person having responsibility for a child who wishes to have that child obtain schooling through home education within the exterior boundaries of the Hopi Reservation shall follow all applicable State laws.

**Section 15.2 Hopi Laws to be followed if developed in the future**

If the Hopi Tribe enacts laws and regulations providing for home education, then the Hopi laws, not State laws, shall apply, and any resident of the Hopi Reservation having responsibility for a child who wishes to have that child obtain schooling through home education shall follow all applicable Hopi laws.

**Section 15.3 Loss of Exemption for Failure to Follow Home Education Laws**

Failure to follow all applicable laws regarding home education shall result in a loss of exemption under Chapter 10 of this Code.

**CHAPTER 16. COOPERATIVE AGREEMENTS, PARTNERSHIPS, AND  
APPROVAL TO OPERATE FOR NON-LOCAL SCHOOLS**

**Section 16.1 Cooperative Agreements**

Under the Every Student Succeeds Act and other federal, state and Tribal laws, the Hopi Tribe may enter cooperative agreements and other partnership agreements with local educational agencies where Hopi students attend so that the Tribe can best influence these Hopi students' educational development. The Hopi Tribe School System shall identify local educational agencies which the Tribe may seek to enter agreements, and assist the Tribe with its negotiations and outreach to these local educational agencies.

**Section 16.2 Pre-Schools on the Hopi Reservation**

The Board shall establish agreements with all pre-schools and Head Start programs operating on the Hopi Reservation to ensure that educational policies and curriculum are consistent between pre-schools, Head Start programs and the local schools.

**Section 16.3 Private Schools and Programs**

To operate within the exterior boundaries of the Hopi Reservation, any private or school, summer school, private after-school, or other private education program, shall apply to the Board and be granted approval to operate within the exterior boundaries of the Reservation. This requirement applies to schools and school programs on trust and fee lands to the fullest extent allowable under Tribal, state and federal law.

**Section 16.4 Develop Hopi Tribe School System “Approval to Operate” Procedures**

The Board shall develop procedures setting forth its “approval to operate” policy. These procedures shall require that the applicant produce evidence of sound organizational structure and ability to meet Hopi Tribe School System education standards, policies and priorities.

**CHAPTER 17. FUTURE DEVELOPMENT OF HOPI EDUCATION STANDARDS,  
CURRICULUM, AND ASSESSMENTS**

**Section 17.1 Future Hopi Education Standards, Curriculum, and Assessments**

In the future, the Hopi Tribe may undertake to develop its own Hopi education standards, curriculum and assessments as provided for in the Every Student Succeeds Act, and other federal law and regulations.

**Section 17.2 Future AdvancED Office**

Hopi may seek to partner with and establish an AdvancED Office to monitor and improve curriculum, training, professional support, and other education programs.

**CHAPTER 18. COMPLIANCE WITH HOPI EDUCATION CODE**

**Section 18.1 Purpose**

18.1.A This Code is established to provide education, advancement and career support for Hopi students. If a Stakeholder believes that a local school, pre-school, local school board, Superintendent, or Hopi Board of Education is not in compliance with this Code, he or she shall first exhaust the provisions of this Chapter prior to seeking any other remedy.

18.1.B This Chapter applies to issues that are not otherwise addressed by Hopi Tribe School System policies and procedures.

**Section 18.2 Compliance of Local School, Pre-School and Local School Board**

18.2.A Any Stakeholder may file a complaint with the Superintendent regarding the compliance of any local school or local school board with this Code. A complaint shall be in writing and include as much information as possible for the Superintendent to research and investigate the complaint. The Superintendent or the Superintendent's designated agents are authorized to conduct an on-site assessment of a local school, pre-school, or local school board and collect necessary information and data to assess the complaint. The Superintendent shall prepare a written assessment of the complaint.

18.2.B Within thirty (30) days receipt of a complaint, the Superintendent shall provide the Hopi Board of Education with the complaint, any necessary information and data, and his or her written assessment of the complaint. Within thirty (30) days of receipt of the complaint and related materials from the Superintendent, the Board shall review these materials and issue a decision to the complainant, accused entity, and Health and Education Committee.

18.2.C The Health and Education Committee shall conduct a review of the complaint, decision and related materials, and on-site assessment if one was conducted. Within thirty (30) days of receipt of a complaint, decision and related materials from the Hopi Board of Education, the Committee shall provide a recommendation in writing to the Tribal Council.

18.2.D Within sixty (60) days of receiving the Health and Education Committee's recommendation, Tribal Council shall review all materials related to the complaint and issue a final decision. If Tribal Council agrees that the entity is non-compliant, it may take official action through resolution to sanction the entity in non-compliance as follows:

18.2.D(1) Upon a formal Tribal Council determination that an entity is non-compliant, Tribal Council shall first provide the non-complying entity with a notice of non-compliance. Such notice shall provide the entity in non-compliance thirty (30) days from the entity's receipt of the notice to come into compliance with this Code.

18.2.D(2) During the thirty (30) day compliance window, the Hopi Board of Education shall provide, or cause to be provided, all appropriate and feasible assistance to the entity to assist the entity in its effort to come into compliance.

18.2.D(3) After the thirty (30) day period has lapsed, the Hopi Board of Education shall conduct, or cause to be conducted, a follow-up assessment of the entity to determine if the entity has come into

compliance with this Code, and shall report its findings back to the Tribal Council.

18.2.D(4) If the entity has come into compliance, Tribal Council shall instruct the Board to issue a letter to the entity acknowledging the entity has come into compliance.

18.2.D(5) If the entity has not come into compliance, Tribal Council may sanction the entity, through formal resolution, and based on the recommendations of the Health and Education Committee. However, continued non-compliance after the thirty (30) day compliance window shall result at least in a mandatory sanction of Public Notification of Non-Compliance as defined in this Code. Such Public Notification of Non-Compliance shall be posted in at least two (2) consecutive runs in the Hopi Tutuveni or other local newspaper. Further, such public notification shall be posted at the Tribal Offices and at a public place in each relevant village for at least thirty (30) days.

### **Section 18.3 Compliance of Superintendent and Hopi Board of Education**

18.3.A If a Stakeholder has a complaint about the Superintendent or the Hopi Board of Education, he or she may provide the complaint in writing to the Health and Education Committee. The Health and Education Committee shall conduct a review of the complaint and conduct an on-site assessment, if necessary.

18.3.B Within sixty (60) days of receipt of a complaint, the Health and Education Committee shall provide a recommendation in writing to the Tribal Council.

18.3.C If the Tribal Council agrees that the entity is non-compliant, it may take official action through resolution to sanction the entity in non-compliance, including the non-compliance provisions of Sections 18.2.D(1)-(5). If the Hopi Board of Education is the subject of the complaint, the Tribal Council shall perform the Hopi Board of Education's functions in Sections 18.2.D(1)-(5), or shall employ a disinterested third party to perform the Hopi Board of Education's functions in Sections 18.2.D(1)-(5).

## **CHAPTER 19. AMENDMENTS**

### **Section 19.1 Amendment by Tribal Council is reserved**

This Hopi Education Code may be amended by the Hopi Tribal Council, upon recommendation of the Health and Education Committee. Action shall be taken by a resolution of the Hopi Tribal Council.

**Section 19.2 Review of the Code**

19.2.A After five (5) years from the date of enactment of this Code, the Board may conduct a review of the Code.

19.2.B If the Board determines to conduct a review of this Code, this review shall be conducted with the following procedure:

- 19.2.B(1) Sixty (60) days prior to review, comments shall be solicited on the Code from local school boards, CSAs, parents, students, villages and other Stakeholders for consideration.
- 19.2.B(2) The Board shall create a list of all recommendations given to the Board from all Stakeholders.
- 19.2.B(3) After review and analysis of the recommendations and of the Code, the Board shall make recommendations for any amendments to the Code, if any, and provide these recommendations to the Health and Education Committee and the Tribal Council.
- 19.2.B(4) The Board shall provide the list of all Stakeholder recommendations to the Health and Education Committee and the Tribal Council.
- 19.2.B(5) The Health and Education Committee shall review the Board's recommendations and the list of Stakeholder recommendations and make a recommendation to the Tribal Council on any amendments to the Code, if any. Tribal Council shall consider the Health and Education Committee's recommendations, and determine if any amendments to the Code are necessary.

**CHAPTER 20. SOVEREIGN IMMUNITY**

Nothing in this Ordinance shall be construed as a waiver, in whole or in part, of the sovereign immunity of the Hopi Tribe.

**CHAPTER 21. EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall be effective upon the date of enactment of this Ordinance by the Hopi Tribal Council. This Ordinance, and any amendments hereto, do not require approval of the Secretary of the Department of the Interior.