

SECOND DRAFT
HOPI EDUCATION CODE

May 1, 2019

ORDINANCE NO. _____

**TO ESTABLISH A
COMPREHENSIVE
HOPI EDUCATION SYSTEM**

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TABLE OF CONTENTS

	<u>Page</u>
Chapter 1. General Provisions	1
Chapter 2. Tribal Council	10
Chapter 3. Hopi Tribe School System	11
Chapter 4. Hopi Board of Education	12
Chapter 5. Superintendent and Central Administration Office	23
Chapter 6. Local School Boards	26
Chapter 7. Local Schools	29
Chapter 8. Department of Education and Workforce Development	30
Chapter 9. Standards, Assessments, and Accountability	31
Chapter 10. School Attendance	32
Chapter 11. Attendance Area Designation	34
Chapter 12. Educators	37
Chapter 13. Hopi Language and Culture Program	39
Chapter 14. Parent and Community Involvement Policy	42
Chapter 15. Home Education	44

	<u>Page</u>
Chapter 16. Cooperative Agreements, Partnerships, and Reporting Requirement for Private Schools and Programs	45
Chapter 17. Future Development of Hopi Education Standards, Curriculum, and Assessments	45
Chapter 18. Compliance with Hopi Education Code	46
Chapter 19. Amendments	48
Chapter 20. Sovereign Immunity	49
Chapter 21. Effective Date of Ordinance	49
 <u>Appendices</u>	
Appendix A Organizational Chart	50
Appendix B List of Hopi Tribe, Federal, and State Laws in the Hopi Education Code	
<i>[Waiting for the final draft to finalize this list]</i>	
Appendix C Maps of the Attendance Area Designations	
<i>[Maps will be attached with the final draft]</i>	

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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. ____, 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 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) Hopi elementary students are entering junior high school at significantly different levels of academic achievement.
 - 1.3.A(2) Academic achievement levels at all local schools on the Hopi Reservation are in need of improvement and consistency.
 - 1.3.A(3) 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(4) Due to the young age of many Hopi parents and the significant number of Hopi grand-parents 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(5) Parents, students, teachers and other Stakeholders have identified the need to separate the Junior High School students (seventh (7th) and eighth (8th) grades) from the Senior High School students (ninth (9th) through twelfth (12th) grades.
- 1.3.A(6) 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(7) On May 4, 1981, Tribal Council adopted Ordinance No. 36 by Resolution H-33-81, to provide a comprehensive education policy for all educational entities located on the Reservation and serving Hopi students.
- 1.3.A(8) On September 27, 1995, Tribal Council amended Ordinance No. 36 directing the Board to “[e]mploy a permanent staff as necessary to carry out the purposes of this Ordinance, subject to the availability of funds.”
- 1.3.A(9) 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(10) 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(11) 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-long 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 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 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 Code 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 or remove 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 local 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.
- 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) “Corporal punishment” means inflicting deliberate physical or emotional pain or discomfort in response to undesired behavior by students.”
- 1.5.A(10) “CSA” means the Chief School Administrator, who is the administrative leader of each local school.
- 1.5.A(11) “Curriculum” or “curricula” means any courses of study provided and prescribed for students.
- 1.5.A(12) “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(13) “Department” or “Department of Education and Workforce Development” means the Department of Education and Workforce Development within the Hopi Tribal government.
- 1.5.A(14) “Direct relative of an employee” means an employee’s parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live in partner, a non-biological child through

adoption or another legal guardianship.

- 1.5.A(15) “Education related activities” includes, but is not limited to, “school operations, academic, educational, residential, guidance and counseling, and administrative purposes; and support services for the school, including transportation.” 25 U.S.C. § 2502(a)(3)(A)(i), (ii).
- 1.5.A(16) “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(17) “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(18) “Educators” means teachers, faculty, scholars, administrators, counselors and other professional staff of local schools or pre-schools.
- 1.5.A(19) “Health and Education Committee” means the Health and Education Committee of the Hopi Tribal Council, including any successor Education Committee, responsible to oversee and advise on education matters on the Hopi Reservation.
- 1.5.A(20) “Home education” means a program of education supervised by a child’s parent or legal guardian in the child’s home.
- 1.5.A(21) “Hopi Board of Education” means the 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(22) “Hopi Education Information System” or “HEIS” means a uniform system of records and comprehensive database for the local schools and students.
- 1.5.A(23) “Hopi preference” means that in the recruitment, employment, retention and promotion of personnel, preference is given to an enrolled Hopi applicant so long as the applicant satisfies the position description and is equally qualified as other non-Hopi applicants.
- 1.5.A(24) “Hopi Tribe School System” means the collective organization of all

local schools, pre-schools, Central Administration Office, Hopi Board of Education and local school boards within the exterior boundaries of the Hopi Reservation.

- 1.5.A(25) “Hopilavayi” means the language of the Hopi people.
- 1.5.A(26) “Hopilavayi Committee” means a Committee of the Hopi Board of Education established to create a Hopi language and culture program for local schools and pre-schools and to oversee assessment of educator’s Hopi language proficiency as required under this Code.
- 1.5.A(27) “Indian preference” means that in the recruitment, employment, retention and promotion of personnel, preference is given to a qualified Native American applicant over non-Indian applicants so long as the applicant satisfies the position description and is equally qualified as other non-Indian applicants.
- 1.5.A(28) “Local educational agency” means a “public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for the State’s public elementary schools or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.” 25 U.S.C. § 2511(5).
- 1.5.A(29) “Local school” means Hopi’s Tribally Controlled Schools serving kindergarten through 12th 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(30) “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(31) “Parent” means anyone who is a parent or legal guardian of a student.
- 1.5.A(32) “Pre-school” means any early childhood program located on the Reservation that regularly receives federal funds and serves Hopi students prior to entering kindergarten.
- 1.5.A(33) “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(34) "Reservation" means all land, air, waters, waterways and natural resources reserved for, held in trust for, owned by, granted to, partitioned to, or otherwise conveyed to or exclusively held for the Hopi Tribe by the United States Government.
- 1.5.A(35) "Secretary" means the Secretary of the Department of the Interior.
- 1.5.A(36) "Sinom" means the Hopi people.
- 1.5.A(37) "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(38) "State" means the State of Arizona, or any political subdivision thereof.
- 1.5.A(39) "Student" means anyone who is enrolled in a local school or pre-school which is regulated under this Code.
- 1.5.A(40) "Superintendent" means the Chief Operating Officer of the Hopi Tribe School System.
- 1.5.A(41) "Tribal Chairperson" means the independently elected Tribal Chairperson of the Hopi Tribe as empowered and established by the Constitution and By-laws of the Hopi Tribe.
- 1.5.A(42) "Tribal Council" means the Hopi Tribal Council, as empowered and established by the Constitution and By-laws of the Hopi Tribe.
- 1.5.A(43) "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(44) "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 Hopi Preference and Indian Preference

- 1.6.A To ensure the survival and growth of the Hopi Tribe as a people with a distinct language and culture and a domestic economic base, the Board shall require Hopi preference in employment of school and educational personnel in all local schools

and pre-schools operating within the Hopi Reservation. This requirement applies to all educators, counselors, administrators and support personnel seeking to serve the linguistically and culturally unique children of the Hopi Tribe.

- 1.6.B Whenever application of this Hopi preference policy does not result in the selection of a Hopi applicant or candidate, a policy of Indian preference shall be applied to the remaining applicants or candidates.
- 1.6.C Any Hopi or Indian applicant or candidate shall first satisfy the hiring requirements of the position for which he or she has applied before a Hopi or Indian preference policy is applied to the candidate. If the candidates or applicants are not equally qualified, the position shall be filled with the most qualified applicant or candidate notwithstanding the Hopi or Indian preference policies.
- 1.6.D In seeking educational and support personnel, schools shall publicly announce their preference for Hopi and/or Indians, and shall include within the position description, as a preferred qualification, a knowledge and familiarity with Hopi language, culture and people.
- 1.6.E The Board, Central Administration Office, local school boards, and local schools responsible for hiring shall comply with this hiring policy in regard to the recruitment, employment, promotion and retention of all personnel.
- 1.6.F The Board or local school board may waive the requirements of this Section by a vote of the Board or local school board. Such waiver may apply only to an individual employment, retention or promotion decision on a case-by-case basis. If a waiver occurs, the Board or local school board shall make a written record of the occurrence for inclusion in the official minutes of the Board or local school board.
- 1.6.G If the hiring entity determines that there may not be qualified applicants who have Hopi or Indian preference, they may decide to advertise the position in a manner that allows applications to be solicited with Hopi preference, Indian preference and non-Indian candidates concurrently.

Section 1.7 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 1.8 Reference to Code includes Amendments

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

Section 1.9 Repeal of Inconsistent Ordinances and Resolutions

- 1.9.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.
- 1.9.B Hopi Tribal Resolution H-33-81, Ordinance No. 36, and any amendments thereto, are 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 exercise full regulatory authority to control all operations of the schools, which includes, but is not limited to, education services, financial services, personnel, purchasing, administrative services, transportation, food and other services related to the operation of the Hopi Tribe School System, local schools, and pre-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

- 3.6.A Exhaustion of Remedies Policy. Any person shall first exhaust all Hopi Tribe School System remedies, appeals, policies and procedures, and compliance provisions of Chapter 18 or as otherwise developed pursuant to this Code prior to making any request to Tribal Council or court of competent jurisdiction to review any education-related issue that arises within the Hopi Tribe School System.
- 3.6.B Employment Appeals. If a Hopi Tribe School System employee has an employment complaint related to their contract, he or she shall first exhaust Hopi Tribe School System remedies, appeals, policies and procedures, and compliance provisions. Once all these appeal procedures are exhausted, the employee may seek remedy in the Hopi Tribal Court, or any court of competent jurisdiction.
- 3.6.C Hopi Tribe School System Complaints. If any employee, parent, community member, or other stakeholder has a non-employment complaint about a local school board, local school or other Hopi Tribe School System entity, he or she shall first exhaust Hopi Tribe School System remedies, appeals, policies and

procedures, and compliance provisions of Chapter 18.

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.

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. See Organizational Chart in Appendix A. The Hopi Tribe School System shall enable all educational institutions within the Hopi Reservation, including schools, pre-schools, and adult education programs, to collaborate and ensure that all educational programming, policies, and curriculum are aligned to promote and foster lifelong learning and rigorous educational goals for the Hopi people.

Section 3.2 Overview of Hopi Tribe School System

- 3.2.A Hopi Board of Education. The Hopi Tribe School System shall be administered and governed by the Hopi Board of Education as a Tribal Regulated Entity. The Hopi Board of Education shall determine education policies and oversee the operations of all local schools and pre-schools within the exterior boundaries of the Hopi Reservation.
- 3.2.B Superintendent. The Board shall hire and oversee a Superintendent who shall serve as the Chief Operating Officer of the Hopi Tribe School System. The Superintendent shall manage the Central Administration Office which shall fairly and equally provide administrative services to all local schools as set forth in this Code.
- 3.2.C Local School Boards. Each attendance area shall elect a local school board to advise their local school on hiring decisions, community and parental involvement, and other local school matters.
- 3.2.D Local Schools. The CSAs and local schools shall have day-to-day management authority over their local schools and shall implement education policies established by the Board.

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 of the Hopi Tribe School System

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 of 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 The Hopi Board of Education is hereby established as an independent, Regulated Entity, under the authority of Tribal Council Resolution H-118-2015, Chapter 1.H, for the purpose of overseeing the operation of all local schools and pre-schools within the Hopi Tribe School System. The Board shall be responsible for educational leadership and to act in an authoritative and policy-making capacity consistent within applicable Tribal, Federal and State law.
- 4.1.B The local schools shall have day-to-day management authority over their schools, and shall implement the policies and procedures established by the Hopi Board of Education.
- 4.1.C The first Board election shall occur within six (6) months of enactment of the Code. Subsequent elections shall be held between November 1 and December 1 to begin their terms on January 1.
- 4.1.D 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 established pursuant to this Code. A Hopi Tribal Judge shall administer the oath of office for the Board members.
- 4.1.E The current local school boards established under Pub. L. No. 100-297 shall continue to operate and exercise their governing, fiscal and oversight powers until such powers are transferred to the Board at a time to be determined by the Board

as set forth in Chapter 6. Upon this transfer, the local school boards shall have the duties and responsibilities set forth in this Code.

Section 4.2 Organizational Membership

- 4.2.A The total number of Board members shall be seven (7) members. One member shall be elected from each of the seven (7) attendance area designations. These elections shall be conducted by the Hopi Election Board and the Hopi Election Office.
- 4.2.B The Director of the Department of Education and Workforce Development shall be appointed to the Board as an ex officio member and shall not have any voting rights.
- 4.2.C One alternate member per attendance area shall be appointed to the Board as follows:
 - 4.2.C(1) The alternate member shall be the candidate who received the next highest votes in the election of the attendance area's Board member.
 - 4.2.C(2) If an election was unopposed, the Tribal Chairperson shall appoint an alternate, who shall be confirmed by Tribal Council and shall satisfy all requirements of Board membership. Within thirty (30) days of the Board election, the local school board may recommend candidates for appointment as an alternate for the Tribal Chairperson to consider.
 - 4.2.C(3) Alternates may sit on the Board for regular and special meetings if the elected Board member of their attendance area is not present.
 - 4.2.C(4) Alternates do not vote unless the elected Board member of their attendance area is not present.
 - 4.2.C(5) Alternates shall serve the same initial staggered term as their elected Board member.
- 4.2.D All Board members shall meet the following qualifications:
 - 4.2.D(1) An enrolled member of the Hopi Tribe;
 - 4.2.D(2) At least 25 years of age;
 - 4.2.D(3) Hold at least a Bachelor's degree in Education or an education-related field from an accredited institution;

- 4.2.D(4) Not a member of the Hopi Tribal Council or a local school board, not an employee of the Department, the Central Administration Office, or of a local school or pre-school;
- 4.2.D(5) 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.D(6) Reside in the attendance area that they are seeking to represent, or be a member of a village within the attendance area that they are seeking to represent; and
- 4.2.D(7) 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.E Each elected Board member shall have one (1) vote at all regular and special meetings.
- 4.2.F The elected Board members shall vote for a Chairperson and Vice Chairperson of the Board from amongst their seven (7) elected members at their first meeting.
- 4.2.G The Chairperson votes only in the event of a tie.

Section 4.3 Terms of Office

- 4.3.A The term of office for each elected Board member shall be three (3) years. The positions shall be staggered as follows:
 - 4.3.A(1) Three (3) of the elected members shall be for an initial two (2) year term, and every three (3) years thereafter; and
 - 4.3.A(2) Four (4) of the elected members shall be for an initial three (3) year term, and every three (3) years thereafter.
- 4.3.B The determination of which elected Board positions shall serve the initial two (2) and three (3) year terms shall be by drawing lots.
- 4.3.C Dependent on the date the initial election occurs, the initial terms may not be for a full two (2) or three (3) year term because the next election shall be held between November 1 and December 1 to begin their terms on January 1.
- 4.3.D Elected Board members shall serve no more than two terms consecutively. The initial two (2) year and three (3) year terms shall be included in the two (2) consecutive term limit.

Section 4.4 Removal from the Board

Elected Board members may be removed for cause and are subject to removal pursuant to the rules and procedures regarding removal of elected officials, established in the Code of Ethics developed pursuant to this Code.

Section 4.5 Vacancy on the Board

4.5.A If within one a hundred twenty (120) days from the date of the next election, a vacancy occurs within the Board membership due to death, resignation or removal, the Board shall offer the vacant Board seat to the attendance area's alternate Board member. This newly appointed Board member shall serve the remainder of the vacant Board member's term.

4.5.B If a vacancy occurs within the Board membership due to death, resignation or removal more than a hundred twenty (120) days from the date of the next election, 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 occurred.

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 oversee and establish educational policy, financial management, and administrative services for all local schools and pre-schools within the Hopi Tribe School System, including but not limited to:

4.6.A(1) Establish Tribal education policies and programs in accordance with this Code which shall be implemented by local schools and local school boards;

4.6.A(2) Hire, 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) Maintain awareness of local school board, local school and pre-school matters;

4.6.A(5) Hire and discharge CSAs after reviewing recommendations from local school boards and Superintendent;

4.6.A(6) Relying on Hopi culture, philosophy and values, the Board shall oversee the creation of a learning environment within all local schools

- and pre-schools that supports life-long learning, traditional dispute resolution systems, and community based learning;
- 4.6.A(7) Keep records and minutes of all meetings. Such records shall be prima facie evidence of the facts therein stated;
 - 4.6.A(8) 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(9) 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(10) 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(11) Approve a consistent curriculum that is aligned with the 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(12) 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(13) 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(14) In consultation with the Superintendent, local school boards, CSAs, educators and other Stakeholders, create a comprehensive program for special needs education;
 - 4.6.A(15) 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(16) 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(17) 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(18) Negotiate cooperative agreements with local educational agencies located off the Reservation which teach Hopi students to meet the unique educational and culturally related academic needs of Hopi students;
- 4.6.A(19) Develop an evaluation policy for all local school staff;
- 4.6.A(20) Develop a nepotism policy in hiring and staffing decisions;
- 4.6.A(21) Develop background check and personnel policies for all Hopi Tribe School System staff and local school board members;
- 4.6.A(22) Establish a policy requiring professional development trainers to be certified or have recognized expertise in their respective fields;
- 4.6.A(23) Establish procedures and criteria for creating a Hopi language and culture program as set forth in Chapter 13 of this Code;
- 4.6.A(24) Resolve or cause to be resolved conflicts between local school boards;
and
- 4.6.A(25) 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 and focus on specific, 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, elders, and community members. Total Committee membership shall not exceed six (6) members and not be less than four (4) 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 4.10.
 - 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. This Plan shall include a mission statement for the Hopi Tribe School System which shall address the significance of education for Hopi students, educational outcomes for students attending any local school or pre-school, and the role of the Tribe’s sovereignty and jurisdiction over the schools within the Hopi Reservation.
 - 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 (7th) and eighth (8th) 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 Transition Committee and Process

4.10.A A Transition Committee is hereby created 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. A representative of 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. Once the Board is sworn in, the Board shall provide monthly reports to the Health and Education Committee until the conclusion of the transition process.

4.10.B The Transition Committee shall be established as follows:

4.10.B(1) Membership.

4.10.B(1)(a) In consultation with the CSAs, the Chairperson of the current Hopi Board of Education, which is organized under Ordinance No. 36, shall nominate twelve (12) members to the Transition Committee who shall be confirmed by the Tribal Council. These twelve (12) members shall include: three (3) current CSAs (who shall have the option to rotate with other CSAs every six (6) months until conclusion of the Transition Committee), a current teacher, a current Hopilavayi teacher or person recognized for their Hopi language and culture expertise, 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, a Hopi Department of Behavioral Health Services representative, and a special needs education teacher or professional.

4.10.B(1)(b) The Director of the Department of Education and Workforce Development shall serve on the Transition Committee as an ex officio member.

4.10.B(1)(c) The Hopi Tribal Secretary shall administer an oath of office to the Transition Committee members.

4.10.B(1)(d) Once seated on the Transition Committee, the members shall select a Chairperson, who shall call meetings, prepare an agenda, and ensure that minutes and records of all Transition Committee meetings are taken and maintained.

4.10.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.

4.10.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. Beginning at the time of the Transition Committee's first swearing in, the timeline shall be at least eighteen (18) months and not longer than twenty-six months (26).

4.10.C Once the Hopi Board of Education is sworn 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.

4.10.D The Transition Committee shall continue until all work of the transition is completed.

Section 4.11 Bylaws

4.11.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.

4.11.B These bylaws shall be submitted to the Hopi Tribal Council for approval and ratification.

Section 4.12 Policies and Procedures

4.12.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.

4.12.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, prior to making policy and procedure recommendations to the Board for review and approval.

4.12.C Traditional Hopi values and customs shall be relied on in the development of discipline and dispute resolution policies.

- 4.12.D Corporal punishment shall not be permitted as a form of discipline in any policy of the Hopi Tribe School System.
- 4.12.E The Board shall develop a social media policy for the Hopi Tribe School System.
- 4.12.F The policies and procedures shall be submitted to the Hopi Tribal Council for approval and ratification.

Section 4.13 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 4.14 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 4.15 Meetings

- 4.15.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.
- 4.15.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.
- 4.15.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.
- 4.15.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.
- 4.15.E A simple majority of all members of the Board is necessary to approve an act of the Board.
- 4.15.F During Board meetings, an opportunity shall be made available for the public to speak on any issue before the Board. Members of the Board may not discuss, consider, or take legal action regarding matters that are not specifically identified

on the agenda. Action taken as a result of public comment shall be limited to directing staff to study the matter, responding to comments, or scheduling the matter for further consideration and decision at a later date. Public comments relative to a specific agenda item may be heard during the discussion of that item if agreed to by a majority of the Board.

4.15.G Special Meetings shall be allowed.

4.15.G(1) Special meetings may only be held for significant and time sensitive matters. Special meetings may be called if the Chairperson or four (4) Board members agree that a Special meeting is warranted. An agenda shall be prepared by the Chairperson.

4.15.G(2) The Chairperson shall provide at least forty-eight (48) hours written notice and the agenda to all Board members, the public, the Superintendent, local school boards, and the CSAs.

4.15.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 prior to requesting an appeal as required under this Code.

Section 4.16 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 in part 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 4.17 Board Expenses and Compensation

4.17.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.

4.17.B The Board's budget, 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.

4.17.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. See e.g., 25 U.S.C. § 2007(c)(2)(A).

4.17.D Board members' compensation for participation in Board meetings shall be one hundred dollars (\$100) per regular or special meeting. Board members shall only be compensated for one special meeting per month. The Board shall review this compensation rate every two years, and may modify the rate as determined appropriate at increments not to exceed ten dollars (\$10).

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 Operating 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) Awareness of current teaching and educational practices;
 - 5.2.A(4) Knowledge and application of school laws and policies related to finance, school operations, personnel matters, Tribally Controlled Grant Schools under Pub. L. No. 100-297, and/or Self-Determination Contract Schools under Pub. L. No. 93-638;
 - 5.2.A(5) Ability to implement curriculum, instruction, and assessment;
 - 5.2.A(6) Ability to build relationships, foster teamwork and develop and build networks within and beyond the Hopi Tribe School System; and
 - 5.2.A(7) Effective communication, conflict resolution, and leadership skills;
- 5.2.B At least a Master's degree in Education or an education-related field from an accredited institution;

5.2.C A current Superintendent certification; and

5.2.D A current teaching certificate.

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 Implementing the Hopi Tribe's sovereign authority to ensure a quality education for Hopi students;

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 pursuant to 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, financial data and audits.
 - 5.5.C(2) The Annual State of Hopi Education Report shall be provided to the Tribal Chairperson, 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

- 5.6.A Within budgetary limits and in consultation with the local school boards, local schools, and pre-schools, the Superintendent shall hire, with the approval of the Board, the Central Administration Office staff to carry out the duties and responsibilities of the Hopi Tribe School System.
- 5.6.B The Central Administrative Office staff may include a monitoring staff position to ensure that reports, audits, and data transfers are timely completed.

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. The existing local school boards established under Pub. L. No. 100-297, when the local schools first became Tribally Controlled grant schools, shall be dissolved at a time to be determined by the Board and Transition Committee. The existing local school boards shall not be dissolved until the Board's policies and procedures and central administration capacity are in place, but this shall not be longer than twenty-six (26) months from the date of enactment of this Code. The local school boards established under this Code shall have all duties, responsibilities and authorities as set forth in this Code.

Section 6.3 Organizational Membership

- 6.3.A As of the enactment of this Code, existing local school board members shall continue to serve the remainder of their terms and continue to conduct their own elections when those terms expire. This authority shall continue until the local school boards are dissolved. Elections for the new local school boards shall be conducted by the Hopi Elections Board to seat new local school boards under this Code. The new local school boards may amend their election procedures as needed to suit local needs and conditions.
- 6.3.B Local school boards shall determine eligibility requirements for local school board membership consistent with this Chapter. At their first meeting under this Code, the local school board shall select a president and vice-president from amongst its elected members.
- 6.3.C All local school boards shall have a total of five (5) elected members.
- 6.3.D The term of office for each elected Board member shall be three (3) years. The initial local school board members shall serve the following staggered terms:
 - 6.3.D(1) Two (2) of the elected members shall be for an initial two (2) year term, and every three (3) years thereafter; and
 - 6.3.D(2) Three (3) of the elected members shall be for an initial three (3) year term, and every three (3) years thereafter.

- 6.3.E The determination of which elected Board positions shall serve the initial two (2) year and three (3) year terms shall be by drawing lots.
- 6.3.F Local school board members shall serve no more than two terms consecutively. The initial two (2) year and three (3) year terms shall be included in the two (2) consecutive term limit.
- 6.3.G All local school board members shall satisfy the following qualifications in addition to any qualifications the local school boards may establish:
 - 6.3.G(1) All local school board members shall pass background checks; and
 - 6.3.G(2) Local school board members shall not be a member of the Hopi Tribal Council or the Hopi Board of Education, or employees of the Department, the Central Administration Office, or of a local school or pre-school.
- 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. Local school boards may call executive sessions to review materials or to discuss sensitive issues.
- 6.4.C Recall and termination procedures shall be specified in local school board bylaws. 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 Special meetings may be held only for significant and time sensitive matters. Special meetings may be if three (3) or more local school board members agree that a Special meeting is warranted. An agenda shall be prepared by the president, and he or she shall provide at least forty-eight (48) hours written notice and the agenda to all local school board members, the public, their school's CSA, and the Superintendent.

Section 6.5 Bylaws

Within sixty (60) days of their swearing in, each local school board established under this Chapter, shall draft a new set by bylaws consistent with Hopi Tribe School System policies and procedures and the provisions of this Chapter. These bylaws shall provide rules and regulations for each local school board's 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 On a quarterly basis, the president of each local school board shall attend a Board meeting and advise the Board on local school matters;
- 6.6.J Take actions to increase parents and community participation in school activities and programs;
- 6.6.K Take actions to support local school educators and administrators;
- 6.6.L Advise their local school and the Hopi Board of Education on hiring and dismissal recommendations of school staff;
- 6.6.M Keep records of all meetings and special meetings; and
- 6.6.N 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

- 6.7.A 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 established by the Board.
- 6.7.B Local school boards' budgets 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. See e.g., 25 U.S.C. § 2007(c)(2)(A).
- 6.7.C Local school board members' compensation for participation in local school board meetings shall be hundred dollars (\$100) per regular or special meeting. Local school board members shall only be compensated for one special meeting per month. The Board shall review this compensation rate every two years, and may modify the rate as determined appropriate at increments not to exceed ten dollars (\$10).

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. The CSAs and local schools shall be charged to implement education policies and procedures established by the Board.

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 the 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 Any existing private grants or gifts, as of the date of enactment of this Code, that 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.
- 7.4.B Any Federal and State grants or contract funds that are in existing bank and investment accounts, as of the date of enactment of this Code, shall come under the oversight and administration of the Board. If any of these Federal and State funds are designated for a specific purpose or use, the Board shall ensure that these funds are dispersed or used as required under the original Federal or State grant or contract.
- 7.4.C If an individual school applies for and receives a federal, state or private grant that is separate from the BIE operational and administrative costs funding, this grant shall be dedicated to the applicant school as set forth in the grant parameters. Like all school budgetary funds, the Board shall have supervisory oversight to ensure that all grant funds are expended in accordance with the grant's parameters.

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

Section 8.1 Purpose

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.

Section 8.2 Pre-School and Headstart Programs

Parents and guardians of Hopi children of pre-school age, from birth to five (5) years of age, are encouraged to enroll their children in programs of early childhood education. Early childhood programs shall employ a comprehensive developmental approach to help children achieve social competence and pre-academic skills. To assist pre-school and Headstart programs in achieving these goals, the Hopi Tribe School System shall coordinate with the Department to ensure that Hopi pre-school and Headstart programming is consistent with and prepares pre-school and Headstart children for entry into local schools.

Section 8.3 Adult Education

The Hopi Tribe recognizes the importance of adult education and encourages public and private entities to develop and offer programs of adult education, including, but not limited to adult basic education, pre-GED and GED education, basic vocational education, community

education, consumer education, health education, and related adult programs. The Hopi Tribe School System shall coordinate with the Department to ensure that Hopi adults can meet their education needs and aspirations, and that the Department and the Hopi Tribe School System's educational goals are consistent.

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 on or off the Reservation, including but not limited to college, vocational school, military service, apprenticeships, and career and life readiness.
- 9.2.B Assessments. Development of a comprehensive assessment system to include a multitude of assessments and indicators aligned with the education standards to measure whether students are on track to meet the education standards.
- 9.2.C Accountability System.
 - 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 Students 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 from pre-school to post-secondary life. Through the HEIS database, the Hopi Tribe School System will be able to track students' academic performance, graduation rates, educational factors, and post-secondary activities. The collection of this educational information in the HEIS will assist the Hopi Tribe School System, Board, Superintendent, local school boards, and local schools in identifying those teaching methods, curriculum and policies which are improving student achievement and academic results and those which are not.

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 is required to follow 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. 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 local school, State public school, 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.B 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 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, and shall be subject to the jurisdiction of the Hopi Trial Court or court of competent jurisdiction.

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 subject to the jurisdiction of the Hopi Children’s Court or court of competent jurisdiction.

Section 10.5 Compulsory Attendance – Enforcement

Each local school is charged with the enforcement of this Chapter. This Chapter is applicable to any child eligible to attend 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 Hopi villages to pick up and drop off 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 and Hopi villages. These boundaries shall remain in full force and effect and are adopted and incorporated into this Code. See Appendix C for Attendance Area maps [The maps shall be attached to final Code].

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

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

11.3.B Any child(ren) near or adjacent to the Hopi Reservation shall be eligible to attend local schools of the Hopi Tribe School System, and shall attend the local school nearest to their residence.

11.3.C Because of its long distance from the Hopi Junior Senior High School, students of the Upper Moenkopi Village and the Lower Moenkopi Village may attend the junior high and high school of their choice. If the Moenkopi Day School adds a junior and/or high school to its enrollment, students of the Upper Moenkopi Village and the Lower Moenkopi Village shall attend Moenkopi Day School unless they receive a waiver pursuant to this Chapter.

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.B(1) Educational program offerings;

11.4.B(2) Transportation concerns; and

11.4.B(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 Enter Junior High School

11.6.A Hopi Tribal Resolution H-100-2002 shall be repealed once all classes of elementary students, who were enrolled as of the Board's first swearing in, enter the 7th grade.

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

11.6.C If the school within their attendance area designation does not offer 7th and 8th 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 7th and 8th 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 may accept or deny an appeal request. Any decision of the Tribal Council, whether on the merits or a denial of an appeal, shall be 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 prioritize the preservation and continuation of Hopi language speakers, the Hopi Tribe School System is committed to creating an inclusive and immersive Hopi language and culture program within all schools serving Hopi students. Instruction in the Hopi language shall include, to the greatest extent practicable and as readiness allows, thinking, speaking, comprehending, reading, writing, and the study of the formal grammar of the Hopi language. The goal is the creation of an effective Hopi language and culture program with measurable outcomes.

Section 13.2 Scope

13.2.A This Chapter shall apply to all Hopi language, culture and history classes conducted in pre-schools and local schools. It shall not apply to private schools and private adult and community classes.

13.2.B In developing programming, curriculum, assessment, and a pilot program under this Chapter, the Hopi Tribe School System may rely on existing and newly developed resources, which include but are not limited to, locally trained language educators skilled and practiced in a research-based approaches to teaching Native languages.

Section 13.3 Membership of Hopilavayi Committee

- 13.3.A The Board shall appoint the members of the Hopilavayi Committee in consultation with the Cultural Resources Advisory Team of the Hopi Cultural Preservation Office, local school boards, local schools, and pre-schools.
- 13.3.B Members of the Hopilavayi Committee shall be Hopi Tribal members and may live on or off the Reservation.

Section 13.4 Examination and Program Development for Hopi Language and Culture

- 13.4.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.
- 13.4.B The Hopilavayi Committee shall examine, assess, and develop recommendations for improving and implementing delivery of Hopi language and culture classes in pre-schools and local schools.
- 13.4.C In its examination, the Hopilavayi Committee shall assess the following issues which shall include, but not be limited to:
 - 13.4.C(1) Student-teacher ratio;
 - 13.4.C(2) Number of hours per week Hopi language is taught at each pre-school and local school;
 - 13.4.C(3) Appropriate amount of time dedicated to language immersion and teaching in pre-schools and local schools that will result in Hopi speakers;
 - 13.4.C(4) Hopilavayi certified educators required to teach two instructional programs-- a western subject curriculum and Hopilavayi and culture curriculum;
 - 13.4.C(5) Hopi language and culture classes being canceled so that students can attend testing and other school activities;
 - 13.4.C(6) During the school day as well as long-term planning over the summer, providing time for planning, materials development, and assessment;
 - 13.4.C(7) Creating effective training programs for Hopi language and culture educators that may assist Hopilavayi educators with their professional development and with ongoing State certification renewal requirements; and

13.4.C(8) Creating mentorship programs to assist younger teachers in developing their Hopilavayi knowledge and skills.

13.4.D Following its initial examination and development of recommendations, the Hopilavayi Committee shall provide a report summarizing its examination and recommendations to the Board. The Board shall consider the Committee's recommendations and other Hopi language and culture matters brought before the Board and establish a comprehensive Hopi language and culture program for the Hopi Tribe School System.

Section 13.5 Certification Required for Hopi Language and Culture Educators

13.5.A To teach Hopi language and culture in Hopi local schools and pre-schools, a Hopi educator shall be certified under the Arizona Department of Education, Office of Indian Education, as a "Native American Language Teacher."

13.5.B The Hopilavayi Committee of the Hopi Board of Education shall oversee the assessment of educator's Hopi language proficiency.

13.5.C All schools within the Hopi Tribe School System shall have at least one certified "Native American Language Teacher."

13.5.D If an existing Hopilavayi educator, as of the date of enactment of this Code, has received a certification under the State of Arizona certification program, his or her certification shall be valid and accepted by local schools and pre-schools until it expires. Upon its expiration, the educator shall take the Hopilavayi assessment again and re-apply for certification under the State of Arizona.

Section 13.6 Development of Hopi Language Proficiency Exam

13.6.A The Hopilavayi Committee shall oversee the creation of a Hopi language proficiency exam.

13.6.B To create the Hopi language proficiency exam, the Hopilavayi Committee shall:

13.6.B(1) Rely, in part, on the Hopi language assessment already developed by the Department;

13.6.B(2) Consult with the Cultural Resources Advisory Team of the Hopi Cultural Preservation Office, Hopilavayi teachers, and other recognized professionals of Hopi language for their expertise; and

13.6.B(3) Establish a Hopilavayi proficiency level assessment, which shall include but not be limited to, an oral interview and a written exam.

Section 13.7 Obtaining a “Native American Language Teacher” Certification

13.7.A To attain certification as a Hopi “Native American Language Teacher,” an educator shall first take the language proficiency exam that shall be developed pursuant to this Chapter.

13.7.B Upon review of the educator’s language proficiency exam, the educator’s proficiency level shall be stated on official letterhead of the Hopilavayi Committee, and provided to the educator.

13.7.C The educator may provide a copy of the Hopilavayi Committee letter, along with all other requirements, to the Arizona Department of Education, Office of Indian Education, to apply for his or her “Native American Language Teacher” certification.

13.7.D The Tribe may offer financial assistance to assist educators with the State of Arizona’s “Native American Language Teacher” certification fee.

13.7.E The Hopilavayi Committee shall partner with the Cultural Resources Advisory Team of the Hopi Cultural Preservation Office to identify elders and members of Hopi villages who are recognized for their knowledge of Hopi language, culture and history. These elders and village members may assist certified Hopilavayi teachers with Hopi language and culture classes. They shall be required to attain certification under the State of Arizona, but the Hopilavayi Committee shall develop alternate procedures for providing the proficiency letter to them which is required under the State of Arizona “Native American Language Teacher” certification.

Section 13.8 Pilot Program

The Hopi Board of Education shall 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:

14.2.C(1) 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, 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 REPORTING REQUIREMENT FOR PRIVATE SCHOOLS AND PROGRAMS

Section 16.1 Cooperative Agreements

Under the Every Student Succeeds Act and other Federal, State and Tribal laws, the Board may enter cooperative agreements and other partnership agreements with local educational agencies where Hopi students attend so that the Hopi Tribe School System can assist the local educational agencies in meeting the unique educational and culturally related academic needs of Hopi students. The Board shall identify or cause to be identified local educational agencies with which the Board may enter agreements.

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 as described in Chapter 8.

Section 16.3 Private Schools and Programs

16.3.A To operate within the exterior boundaries of the Hopi Reservation, any private or summer school, private after-school, or other private education program, shall provide a report describing its educational activities, organizational structure, number of students, and programming operations to the Board.

16.3.B For a new school or educational program, this report shall be provided to the Board at the commencement of its operations. For an existing school or educational program as of the date of enactment of this Code, this report shall be provided to the Board within six (6) months of the first swearing in of the Board. All private schools and programs shall continue to provide these reports once a year thereafter for the duration of their operations.

16.3.C This requirement applies to schools and school programs on trust and fee lands to the greatest extent under Tribal, State and Federal law.

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 Hopi Tribe School System policies and procedures shall be drafted to conform to and implement this Chapter.

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 issue a decision to hear or deny the appeal. Any Tribal Council decision, either on the merits or to deny the appeal, shall be 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 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. 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 Within sixty (60) days of receiving the Health and Education Committee’s recommendation, Tribal Council shall issue a decision to hear or deny the appeal. Any Tribal Council decision, either on the merits or to deny the appeal, shall be a final decision.

18.3.D 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

The Hopi Education Code may be amended 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 shall conduct a review of the Code.

19.2.B This review shall be conducted as follows:

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 Tribal Council.

19.2.B(4) The Board shall provide the list of all Stakeholder recommendations to the Tribal Council.

19.2.B(5) The Tribal Council shall review the Board’s recommendations and the list of Stakeholder recommendations. Tribal Council shall consider the Board’s recommendations, and determine if any amendments to the Code are necessary.

19.2.C Following the date of the first five-year review, the Board shall conduct a review of the Code as described in this Section once every five (5) years for as long as this Code is in effect.

CHAPTER 20. SOVEREIGN IMMUNITY

Nothing in this Code 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 Code shall be effective upon the date of enactment of this Code by the Hopi Tribal Council. This Code, and any amendments hereto, do not require approval of the Secretary of the Department of the Interior.

DRAFT

APPENDIX A
HOPI TRIBE SCHOOL SYSTEM

