

**ELECTION OF  
HOPI BOARD OF EDUCATION  
FOR  
NEW HOPI SCHOOL SYSTEM**

**CANDIDATE PACKET**

**ELECTION DATE:  
DECEMBER 8, 2020**

**HOPI BOARD OF EDUCATION ELECTION  
CANDIDATE PACKET  
ELECTION DATE: December 8, 2020  
CANDIDATE PACKET DUE DATE: October 19, 2020 5:00 p.m.**

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# NOTICE: ELECTION OF HOPI BOARD OF EDUCATION FOR NEW HOPI SCHOOL SYSTEM

**I. CALL FOR CANDIDATES:** This is a call for candidates interested in running for election to the new Hopi Board of Education (HBE). The Hopi Education Code (Code) was enacted by the Hopi Tribal Council on August 7, 2019. The Code unifies all seven of Hopi's Tribally Controlled Schools into a single, comprehensive Hopi School System under the oversight of a new, independently elected HBE. The new HBE will have the authority and responsibility to oversee and set educational policy, fiscal management, and administrative services for all Hopi's Tribally Controlled Schools.

**II. IMPORTANT DATES FOR CANDIDATE PACKETS, FILING & ELECTION:**

Oct. 6, 2020      Candidate Packet available at Hopi schools, Hopi Elections Office, and online at [www.hopi-nsn.gov/tribal-government/hopi-elections-office/](http://www.hopi-nsn.gov/tribal-government/hopi-elections-office/)  
 Oct. 7-9, 2020    Online Information Forums on HBE Roles and Responsibilities and Election Process  
 Oct. 19, 2020    Deadline for Candidates to file Affidavit of Candidacy and other documents  
 Dec. 8, 2020     Election Day

**III. MEMBERSHIP OF THE HOPI BOARD OF EDUCATION:**

- A. A total of 9 members will be elected to the HBE as follows:
- Seven members will be elected, 1 from each of the 7 school Attendance Areas; and
  - Two members will be elected at-large for the entire Hopi Reservation.
- B. Terms of Office:
- The initial Terms of Office will be 4 years and 2 years.
  - To stagger the terms, the initial HBE will have five members with a 4-year term, and four members with a 2-year term.
  - The members at-large will serve two of the initial 4-year terms.
  - The remaining 4- and 2-year terms will be decided by random draw to be drawn prior to the election.
  - Following the initial 4- and 2-year terms, all HBE members will serve 4-year terms.

**IV. SUMMARY OF QUALIFICATION REQUIREMENTS:**

| 7 Attendance Area Members Qualifications   | 2 At-Large Members Qualifications  |
|--|--|
| <ul style="list-style-type: none"> <li>• Hold an Associate or higher degree in any field</li> <li>• Be at least 25 years of age</li> <li>• Hopi Tribal member preferred, but not required</li> <li>• Pass a background check</li> <li>• Not a member of the Hopi Tribal Council or a local school board (as of date of HBE swearing in)</li> <li>• Not a current employee or direct relative of an employee of Hopi's schools, pre-schools, or Dep't of Education (as of date of HBE swearing in)</li> </ul> | <ul style="list-style-type: none"> <li>• Hold a Bachelor or higher degree in an education field</li> <li>• Be at least 25 years of age</li> <li>• Hopi Tribal member required</li> <li>• Pass a background check</li> <li>• Not a member of the Hopi Tribal Council or a local school board (as of date of HBE swearing in)</li> <li>• Not a current employee or direct relative of an employee of Hopi's schools, pre-schools, or Dep't of Education (as of date of HBE swearing in)</li> </ul> |

For Election questions, contact: Karen Shupla, Hopi Elections Office, at 928-734-2507/2508, and [kshupla@hopi.nsn.us](mailto:kshupla@hopi.nsn.us).

For Hopi Education Code and Hopi Board of Education questions, contact: Dr. Noreen Sakiestewa, Hopi Dep't of Education and Workforce Development, at 928-734-3501, and NSakiestewa@hopi.nsn.us.

## **HOPi BOARD OF EDUCATION ELECTION CANDIDATE PACKET**

**ELECTION DATE: December 8, 2020**

**CANDIDATE PACKET DUE DATE: October 19, 2020 5:00 p.m.**

### **Candidate Instructions**

- A. Candidates for the Hopi Board of Education election must complete and sign the following forms and documents and submit them to the Hopi Elections Office:
1. Affidavit of Candidacy Form;
  2. Hopi Office of Human Relations' Background Check Form, which includes:
    - a. Application for Employment,
    - b. Applicant Consent to Release Liability and Reference Information, and
    - c. Consent to Request Information for a Criminal Background Check;
  3. Candidate Checklist Form; and
  4. A current, close-up photo showing your head and shoulders.
- B. The above forms must be completed, signed, placed into a sealed envelope, and submitted to the Hopi Elections Office and **received no later than October 19, 2020, 5:00 p.m.**, by either:
1. Hand delivery to the Hopi Elections Office,
  2. Scan your completed and signed Candidate forms, and email them as an attachment to the Hopi Elections Office at kshupla@hopi.nsn.us, or
  3. Mail to the Hopi Elections Office, P.O. Box 553, Kykotsmovi, AZ 86039.
- C. For Election questions, contact: Karen Shupla, Hopi Elections Office, at 928-734-2507/2508, and kshupla@hopi.nsn.us.
- D. For Hopi Education Code and Hopi Board of Education questions, contact: Dr. Noreen Sakiestewa, Hopi Department of Education and Workforce Development 928-734-3501, and NSakiestewa@hopi.nsn.us.

# HOPI BOARD OF EDUCATION ELECTION

## Affidavit of Candidacy

Election Date: December 8, 2020

Forms Due: October 19, 2020 5:00 PM

**All Forms must be completed and submitted to the Hopi Elections Office.**

***Print clearly in black ink or type.***

1. Name (exactly as it should appear on the ballot – no titles, parentheses, or quotation marks):

---

2. Indicate if seeking office as an Attendance Area Member, or an At-Large Member (check only one):

Attendance Area Member. Specify Attendance Area: \_\_\_\_\_

At-Large Member.

3. List all Higher Education Degrees you achieved (do not include High School diploma):

Degree(s) achieved:      College/University which issued the degree:      Major/area of study:

|       |       |       |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

4. Physical Home Location (brief description of your home's location, and if living in a village, describe where your home is located):

|                |       |       |       |
|----------------|-------|-------|-------|
| _____          | _____ | _____ | _____ |
| Village/Street | City  | State | Zip   |

5. Mailing Address:

|                    |       |       |       |
|--------------------|-------|-------|-------|
| _____              | _____ | _____ | _____ |
| Street or P.O. Box | City  | State | Zip   |

6. Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

7. Email:

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8. Will you be twenty-five (25) years or older on the day of the election? Yes No

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9. Are you an enrolled Hopi Tribal Member? Yes No.

If yes, my Village is: \_\_\_\_\_, and my Enrollment Number is: \_\_\_\_\_.

10. Are you a Hopi Tribal Council member or a local school board member of a Hopi Tribally Controlled School? Yes No. If yes, you are a member of: \_\_\_\_\_.

11. Are you employed by the Hopi Department of Education and Workforce Development, one of Hopi's Tribally Controlled Schools, or a Hopi pre-school/Headstart? Yes No.

If yes, your employer is: \_\_\_\_\_.

12. Are you a "direct relative" of an employee of the Hopi Department of Education and Workforce Development, one of Hopi's Tribally Controlled Schools, or a Hopi preschool? Yes No. If yes, will your direct relative resign prior to you being sworn into the HBE if you are elected? Yes No.

NOTE: "Direct Relative" is defined in the Election Procedures, Sec. V.D, in the Candidate Packet.

13. Attach a current, close up photo of yourself showing only your face and shoulders.

14. Complete the "Statement of Interest" in the box below describing why you would like to serve on the HBE, your qualifications, and how you intend to improve and build Hopi educational systems. Your Statement of Interest may be publicly posted for election purposes. *Print clearly in black ink or type.*

Statement of Interest of: \_\_\_\_\_ (Print Your Name)

**Candidate's Affirmation**

I swear (or affirm) that: the information provided on this form is correct to the best of my knowledge; that I have reviewed the requirements of HBE membership; that I satisfy or will satisfy all requirements to hold this office by the date of the election; and if I am elected, I will take the oath of office.

I further swear (or affirm) that if I am a Hopi Tribal Council member, local school board member, or an employee of the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System, and am elected to the HBE, I will resign from this position in writing and provide a copy of my resignation to the Hopi Elections Office prior to taking the HBE oath of office.

Candidate's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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# HOPI TRIBE

HUMAN RESOURCES  
PO BOX 123, KYKOTSMOVI, AZ 86039  
OFFICE: (928)734-3212  
FAX: (928)734-6611

Print Form

## APPLICATION FOR EMPLOYMENT

**\*\*Please complete the entire application and sign the form. You may attach a resume, but you must still complete all sections or your application will be deemed incomplete and will not be processed. When listing your job experience ensure you list all applicable experience on the application, do not indicate, "SEE RESUME." Please print of type clearly, illegible applications will not be considered.**

Position Applying For  Job Announcement #

First Name  MI  Last Name  Jr/Sr/ II, etc.

Other Names Used, i.e. maiden, alias, etc.  Mothers Maiden Name

**Please list your current mailing address and any previous residence addresses for the past 10 years.**

Present Address  City  State  Zip Code  How Long?

Address  City  State  Zip Code  To & From Month/Year

Address  City  State  Zip Code  To & From Month/Year

Address  City  State  Zip Code  To & From Month/Year

Address  City  State  Zip Code  To & From Month/Year

Home Number  Mobile Number  Fax Number

E-Mail Address  Date you can start work

Are you at least 18 years old? ☐ Yes ☐ No Are you authorized to work in the United States? ☐ Yes ☐ No

Do you have a valid Arizona Drivers License? ☐ Yes ☐ No Drivers Lic. #  Exp. Date

Do you have a Commercial Drivers License? ☐ Yes ☐ No Drivers Lic. #  Exp. Date

Do you claim Veteran's preference? ☐ Yes ☐ No (A copy of DD214 must be submitted with the application)

Do you claim Hopi Tribe preference? ☐ Yes ☐ No Village  (Proof of enrollment must be submitted with the application)

Census #  Do you understand Hopi or Tewa? ☐ Yes ☐ No Do you speak Hopi or Tewa? ☐ Yes ☐ No

Do you claim Indian Preference? ☐ Yes ☐ No Tribe  (Proof of enrollment must be submitted with the application)

Are you currently employed with the Hopi Tribe? ☐ Yes ☐ No

Have you ever been employed by the Hopi Tribe? ☐ Yes ☐ No Please List Reason for Leaving

Do you have any relatives currently employed with the Hopi Tribe? ☐ Yes ☐ No If Yes, please list below.

### HUMAN RESOURCES USE ONLY

Received By  Date  ☐ Accepted ☐ Rejected

Assessed By  Date  Reason Rejected

**EQUAL OPPORTUNITY EMPLOYER**



### EDUCATION HISTORY

If additional space is required please use a blank paper and include your information. attach to the application as EDUCATION HISTORY

Do you have a High School Diploma or GED? ☐ Yes ☐ No

**\*Copies of degrees/diplomas/transcripts/certificates must be attached for educational background to be considered during the screening and interview process.**

| Name of School | Month/Year Attended | Credits/Grad Date | Degree/Diploma/Other | Major |
|----------------|---------------------|-------------------|----------------------|-------|
|                |                     |                   |                      |       |
|                |                     |                   |                      |       |
|                |                     |                   |                      |       |
|                |                     |                   |                      |       |

Special Qualifications/Skills: List any special skills, i.e. typing/shorthand (wmp), computer skills, special tools & equipment you can operate, training, and licenses.

### WORK HISTORY

If additional space is required please make additional copies of the next page, do not list, "See Resume"

**List your work record for the last 10 years.** Begin with your present or most recent experience and work your way backwards. If jobs held prior to 10 years ago relate to the position you are applying for, list those also. If you held more than one position within the same organization list each separately, i.e. military service.

|                                  |  |                 |  |
|----------------------------------|--|-----------------|--|
| Name of Current or Last Employer |  | Phone Number    |  |
| Mailing Address                  |  | City            |  |
|                                  |  | State           |  |
|                                  |  | Zip Code        |  |
| Job Title                        |  | Supervisor Name |  |
| Dates of Employment From         |  | To              |  |
| Starting Salary                  |  | Ending Salary   |  |

Duties and Responsibilities

Were you a supervisor? ☐ Yes ☐ No If so, please list the number of staff supervised?

Please List Reason for Leaving

WORK HISTORY (cont.)

Name of Current or Last Employer

Phone Number

Mailing Address

City

State

Zip Code

Job Title

Supervisor Name

Dates of Employment From

To

Starting Salary

Ending Salary

Duties and Responsibilities

Were you a supervisor? ☐ Yes ☐ No If so, please list the number of staff supervised?

Please List Reason for Leaving

Name of Current or Last Employer

Phone Number

Mailing Address

City

State

Zip Code

Job Title

Supervisor Name

Dates of Employment From

To

Starting Salary

Ending Salary

Duties and Responsibilities

Were you a supervisor? ☐ Yes ☐ No If so, please list the number of staff supervised?

Please List Reason for Leaving

## Applicant Consent to Release Liability and Reference Information

I, \_\_\_\_\_ (print name), in consideration of employment with the Hopi Tribe, hereby authorize the Hopi Tribe to perform background checks, reference checks and employment verifications on me. These checks may include, but are not limited to discussions with: supervisors, coworkers, business associates, or any other party who the Hopi Tribe may use sole discretion believes may have relevant job related information regarding my suitability for employment. The Hopi Tribe may also verify information that I have provided on the completed employment application and/or resume.

I agree not to assert any demands, damages, claims, suits or causes of action of any kind against the Hopi Tribe, its offenders, employees, agents or the organizations, officers, employees, and agents contacted arising out of the Hopi Tribe performing a good faith effort to check my employment references.

I acknowledge that my failure to authorize the Hopi Tribe to check my references shall disqualify me from consideration from employment. I acknowledge, the Hopi Tribe has made no representation that employment will be offered to me upon the completion of reference checks.

I understand the position I am applying for may require a satisfactory background check.

I acknowledge that employment at the Hopi Tribe may be conditioned upon satisfactory completion of an employment medical assessment, which may include a screening test for the presence of controlled substances. Continued employment would be continued upon the successful completion of any additional medical assessments that may be reasonably requested by the Hopi Tribe. Upon reasonable suspicion, the Hopi Tribe may require that I participate in further urinalysis screening tests for the presence of controlled substances.

I also acknowledge that if the position requires driving in the course of work, I understand that I will be required to possess a current and valid driver's license and understand that I will be required to provide a copy of my driving record.

I hereby verify, under the penalty of perjury, the information contained in this application is true, correct, and complete to the best of my knowledge and belief. I am aware that, should an investigation at any time disclose misrepresentation or falsification, my application will be rejected, and I may be dismissed from employment and disqualified from future employment with the Hopi Tribe.

*A photocopy or facsimile (fax) of this form that shows my signature shall be as valid as the original.*

**I UNDERSTAND THAT THIS APPLICATION IS VALID ONLY FOR THE POSITION APPLIED.**

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Applicant's Signature

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Date



## **Consent to Request Information for a Criminal Background Check**

**I understand that the Hopi Tribe will use the services of law enforcement agencies to perform a Criminal History Background Check as part of the procedure for employment or as a volunteer. I understand that these law enforcement agencies will conduct an investigation that verifies my social security number and includes obtaining information regarding criminal background. These law enforcement agencies may tract my counties of residence to search for criminal records.**

**I understand that the information contained in the Criminal History Background Check will be available to those persons involved in making employment decisions or performing the background investigation and that this information will be used for the purpose of making employment decisions.**

**I hereby consent to the Criminal History Background Check as described above and authorize the Hopi Tribe to procure reports concerning my background as stated above. I hereby fully release and discharge the Hopi Tribe or other authorized representatives and any individual organization, agency or other source providing information to the Hopi Tribe from all claims and damages arising out of or relating to any investigations of my background for employment purposes.**

**Criminal convictions or arrests may not automatically disqualify you from employment, but failure to provide this information may disqualify you.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Date of Birth**

**Maiden or other last name used:** \_\_\_\_\_

**Social Security Number:** \_\_\_\_\_

**Drivers License Number:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_

**Privacy Act Notice: The Hopi Tribe is authorized to perform a criminal background check on employees and applicants under the Indian Child Protection and Family Violence Prevention Act, Public Law 101-630 which states that:**

**To ensure that individuals in positions involving regular contact with, or control over, Indian children have not been found guilty of or entered a plea of nolo contendere or guilty to any felonious or any of two or more misdemeanor offenses under Federal, State or Tribal law involving: crimes of violence; sexual assault; molestation; exploitation; contact or prostitution; crimes against persons; or offenses committed against children.**

**Providing your social security number is necessary to perform these investigations and will be used with your consent for the purposes described above.**

**HOPI BOARD OF EDUCATION ELECTION  
CANDIDATE PACKET  
ELECTION DATE: December 8, 2020  
CANDIDATE PACKET DUE DATE: October 19, 2020, 5:00 p.m.**

**Candidate Checklist**



Each of the following forms and documents must be completed, placed in a sealed envelope, and submitted to the Hopi Elections Office by: in-person drop off, or scanned and emailed to [kshupla@hopi.nsn.us](mailto:kshupla@hopi.nsn.us), or mailed to Hopi Elections Office, P.O. Box 553, Kykotsmovi, AZ 86039, and must be received no later than October 19, 2020, 5:00 p.m.:

- ☐ **Complete and submit the Affidavit of Candidacy Form.**
- Answer ALL questions, and place an “N/A” on questions that do not apply to you.
  - Sign and Date the Form.
  - Submit to the Hopi Elections Office.

- ☐ **Complete and submit the Background Check Forms for the HBE Election 2020.**
- Complete all 5 pages of the Background Check Forms for the HBE Election 2020.
  - Answer ALL questions, and place an “N/A” on questions that do not apply to you.
  - Sign and Date the Form in all places and pages indicated.
  - Submit to the Hopi Elections Office.

- ☐ **Complete and submit the Candidate Checklist Form.**
- Sign and Date this Form.
  - Submit to the Hopi Elections Office.

- ☐ **Submit a current, close-up photo showing your head and shoulders to the Hopi Elections Office.**

*By signing below, I confirm that I have read all instructions, understand the eligibility qualifications for the HBE Election 2020, and completed and submitted all required documents.*

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# HOPI BOARD OF EDUCATION ELECTION PROCEDURES, YR 2020

## New Hopi Board of Education Membership: 7 Attendance Area Members and 2 At-Large Members

**Introduction:** Under the Hopi Education Code, as amended<sup>1</sup> (“Code”), election of the Hopi Board of Education (“HBE”) is conducted by the Hopi Election Board and the Hopi Elections Office. Code Sec. 4.2.B. These election procedures are hereby adopted by the Hopi School System Transition Team (“Transition Team”) for the first election of the Hopi Board of Education. The Transition Team’s HBE Election Strategic Planning Team (“HBE Election Team”) shall determine the eligibility qualifications of Candidates. Code Sec. 4.2.F. These Election Procedures have been drafted to also address the unique circumstances of the COVID-19 pandemic to allow the greatest voter participation while also providing safety protocols for voters, Poll Officers, and election staff.

### I. NOTICE OF ELECTION

- A. A “Notice of Election” shall be announced at least ninety (90) calendar days from the date of the election.
- B. Notices shall be posted at public locations throughout the Hopi Reservation.
- C. Notices shall be published in local newspapers, village newsletters, local radio station, and social media as allowed by school policy.

### II. CALL FOR CANDIDATES

- A. Candidate Packets shall be available at least ninety (90) calendar days from the date of the election.
- B. The Candidate Packet shall be made available at:
  - 1. Each of Hopi’s seven Tribally Controlled schools for in-person pick up following health and safety procedures;
  - 2. Online at [www.hopi-nsn.gov/tribal-government/hopi-elections-office/](http://www.hopi-nsn.gov/tribal-government/hopi-elections-office/); and
  - 3. Hopi Elections Office for in-person pick up following health and safety procedures and when staff are in the office.
- C. Candidates shall seek election for one (1) position only.
- D. The Hopi Department of Education and Workforce Development (“Department”), Hopi Election Board, and the Transition Team shall offer at least one (1)

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<sup>1</sup> Hopi Education Code, adopted August 7, 2019, as amended by Resolution No. H-080-2019 (Nov. 6, 2019) and Resolution No. H-057-2020 (Aug. 5, 2020).

information session online to provide information on the new HBE roles and responsibilities, election procedures, and answer questions.

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- E. A “deadline date” shall be determined for Candidates to submit a completed Candidate Packet to the Hopi Elections Office.
- F. Candidates shall follow the Packet instructions, complete and sign all required forms, and return all required forms and documents by the deadline date in a sealed envelope by one of the following methods:
  - 1. Hand delivery to the Hopi Elections Office;
  - 2. Scan your completed and signed Candidate forms and photo and email them as an attachment to the Hopi Elections Office at [kshupla@hopi.nsn.us](mailto:kshupla@hopi.nsn.us); or
  - 3. Mail to the Hopi Elections Office, P.O. Box 553, Kykotsmovi, AZ 86039.
- G. The Candidate shall provide all necessary documents, signatures, and affirmations to prove that the information provided in submitted documents is true and accurate.
- H. The Hopi Elections Office shall receive, log in and time/date stamp, and not alter any documents submitted.

### III. HOPI BOARD OF EDUCATION MEMBERSHIP

- A. Seven (7) HBE members shall be elected from each Attendance Area as shown on the “Attendance Area Designations Map” and as listed below:
  - 1. Moencopi Day School;
  - 2. Hotevilla Bacavi Community School;
  - 3. Hopi Day School;
  - 4. Second Mesa Day School;
  - 5. First Mesa Elementary School;
  - 6. Keams Canyon Elementary School; and
  - 7. Hopi Junior Senior High School.
- B. Two (2) At-Large HBE members shall be elected from the entire Hopi Reservation.

### IV. TERMS OF OFFICE

- A. To stagger the terms of office for the HBE, the initial terms of office for elected HBE members shall be four (4) year and two (2) year terms.
- B. The terms of office shall be staggered as follows (Code Secs. 4.3.A(1), (2)):
  - 1. Four (4) of the elected members shall have an initial term of two (2) years; and
  - 2. Five (5) of the elected members shall have an initial term of four (4) years.

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- C. The determination of which HBE members shall serve the initial two (2) and four (4) year terms shall be by random draw, except that the two (2) initial At-Large members shall not draw and shall serve in two (2) of the initial four (4) year terms. Code Sec. 4.3.B.
- D. The random draw to determine HBE Attendance Area members' terms of office shall be held prior to the public posting of eligible Candidates and shall be conducted by the Hopi Tribal Council's Health and Education Committee.
- E. Following the initial terms of office, the terms of office for all elected HBE members shall be four (4) years. Code Sec. 4.3.A.
- F. Hopi Board of Education members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit. Code Sec. 4.3.C.

## V. QUALIFICATIONS FOR CANDIDATES

- A. The seven (7) HBE members elected from each Attendance Area shall satisfy the following qualifications (see Code Secs. 4.2.D(1)-(6), 4.2.K):
  - 1. Hold at least an Associate's degree in any field from an accredited institution with a preference of an education degree;
  - 2. At least twenty-five (25) years of age;
  - 3. Preferred to be an enrolled Hopi Tribal member, but it is not required;
  - 4. Not a member of the Hopi Tribal Council or a local school board at the time of swearing in as a member of the HBE;
  - 5. Successfully pass a background check as defined in the Code; and
  - 6. Not a current employee or direct relative of an employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School System at the time of swearing in as a member of the HBE.
- B. The two (2) At-Large HBE members shall satisfy the following qualifications (see Code Secs. 4.2.E(1)-(6), 4.2.K):
  - 1. Hold at least a Bachelor's degree in education or education-related field from an accredited institution;



2. At least twenty-five (25) years of age;
3. An enrolled member of the Hopi Tribe;
4. Not a member of the Hopi Tribal Council or a local school board at the time of swearing in as a member of the HBE;
5. Successfully pass a background check as defined in the Code; and
6. Not a current employee or direct relative of an employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School System at the time of swearing in as a member of the HBE.

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- C. If a Hopi Tribal Council member, local school board member, or employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School System is elected to the HBE, he or she shall resign in writing from that position before he or she takes the oath of office as a member of the HBE. Code Sec. 4.2.K.
- D. “Direct relative” of an employee or Candidate means an employee’s or Candidate’s parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live-in partner and a non-biological child through adoption or legal guardianship.
- E. All written resignations required under Sec. V.C shall be provided to the Hopi Elections Office prior to taking the HBE oath of office.

## VI. REVIEW OF CANDIDATE QUALIFICATIONS

- A. By the conclusion of five (5) working days after the deadline date, the HBE Election Team shall preliminarily determine whether Candidates satisfy the HBE eligibility requirements on all Packets received on or before the deadline date.
- B. If a member of the HBE Election Team is a direct relative (see Sec. V.D) or an immediate employment supervisor of a Candidate, that HBE Election Team member shall recuse him or herself and shall not review, examine, or reach an eligibility determination on that Candidate’s Packet.
- C. Candidates shall be given an opportunity to correct errors in their Packets as follows:
  1. During the five (5) working days set forth in Sec. VI.A, if it is determined that a Candidate’s Packet contains an error, is missing information, or otherwise not properly completed, the HBE Election Team shall contact a Candidate by email to inform him or her of the error; and
  2. If the Candidate does not provide the HBE Election Team with information to correct the error within two (2) working days from the date of notification, the Candidate shall not be eligible for the HBE election.

- D. Once a Candidate's Packet is reviewed and the HBE Election Team determines that a Candidate is preliminarily eligible, the HBE Election Team shall provide that Candidate's name to the Hopi Office of Human Resources for a background check.
- E. Background Checks shall be conducted as follows:
1. The Hopi Office of Human Resources shall conduct the background checks by making inquiries to federal, State, and Tribal law enforcement and other relevant agencies;
  2. Successful passage of a background check includes but is not limited to an individual not having been found guilty of or pled no contest to a felony or any offense under federal, state, or tribal law involving crimes of violence, prostitution, crimes involving a sexual offense, crimes against a child, or fraud or financial crimes (see Code Sec. 3.8.E);
  3. If a Candidate is found to have committed any of the crimes listed in Sec. VI.E.2, they shall be deemed to have failed the background check and shall not be eligible to proceed further as a Candidate in the HBE election;
  4. Applicable only to the 2020 HBE election, the Hopi Office of Human Resources and the Director of the Department shall review the results of the background check and determine whether the Candidates satisfied the background check requirements; and
  5. The Hopi Office of Human Resources shall complete and provide the background check results to the HBE Election Team at least thirty (30) calendar days prior to the election (Code Sec. 3.8.D(2)).
- F. The HBE Election Team shall determine whether all Candidates have met the qualification requirements by motion.
- G. The HBE Election Team shall submit all Candidate Packets whom the HBE Election Team has determined are eligible for the HBE election to the Hopi Elections Office.
- H. If a Candidate is eligible, the HBE Election Team shall send a written notice by certified mail with return receipt to the Candidate stating that the Candidate has been found eligible to appear on the ballot.
- I. If a Candidate is found ineligible, the HBE Election Team shall send a written notice by certified mail with return receipt to the Candidate stating why the Candidate was found ineligible.
- J. If an eligible Candidate decides to withdraw his or her name from the election, he or she shall submit a written request to withdraw to the Hopi Elections Office no later than five (5) working days after the postmark date of the official notification

to the Candidate. This will avoid the Candidate's name being printed on the ballot.

- K. If there are no eligible Candidates for any given Attendance Area or At-Large member position, that position shall not be on the ballot, and a special election shall be held for that position no later than ninety (90) days of the election.

## VII. REQUEST FOR RECONSIDERATION OF ELIGIBILITY DETERMINATION

- A. If a Candidate is found ineligible, the Candidate may submit a signed and dated written request stating the reasons for reconsideration to the HBE Election Team within five (5) working days of the postmark date of the eligibility notice.
- B. The HBE Election Team shall issue a decision within two (2) working days of receiving the reconsideration request and provide its decision to the Candidate by certified mail with return receipt.
- C. If the Candidate is not satisfied with the reconsideration decision, the Candidate may file an appeal with the Hopi Tribal Courts, no later than five (5) working

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days of the postmark date of the HBE Election Team's mailing of its decision on the reconsideration.

- D. The Tribal Courts' decision(s) shall be final and not subject to further appeal.

## VIII. POSTING OF ELIGIBLE CANDIDATES

- A. The Hopi Election Board shall post a listing of the eligible Candidates no later than two (2) working days from the date the HBE Election Team provided its eligibility determinations to the Hopi Election Board.
- B. The list of eligible Candidates shall be posted in areas most visited by the general public and local media.

## IX. PREPARATION OF BALLOTS

- A. Once the postings of the eligible Candidate names are made public, the preparation of ballots shall begin.
- B. Automated Election Services ("AES") shall prepare a draft of the ballot style for the Attendance Area and At-Large members for review by the Hopi Election Board as follows:
  - 1. Drawing of names for position on the ballot; and
  - 2. List of approved names for each position in order drawn.
- C. Review by the Hopi Election Board shall include accuracy, proper spelling, proper placement of the positions, correct photo to name placement, and proper ballot style for all Attendance Area and At-Large members.

- D. Hopi Election Board shall approve the draft ballot styles to be prepared for printing by AES.

## X. BALLOT STYLE

- A. Ballot style for each of the six (6) elementary school Attendance Areas shall be as follows:
  - 1. Moencopi Day School, Hotevilla Bacavi Community School, Hopi Day School, Second Mesa Day School, First Mesa Elementary School, and Keams Canyon Elementary School Attendance Area Ballots;
  - 2. Vote for no more than one (1) Candidate; and
  - 3. Candidate Listings for each Attendance Area.
- B. Ballot style for the Hopi Junior Senior High School Attendance Area shall be:
  - 1. Hopi Junior Senior High School Attendance Area Ballot (entire Reservation);
  - 2. Vote for no more than one (1) Candidate; and

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- 3. Candidate Listing for the Attendance Area. C. Ballot style for At-Large Members shall be:
  - 1. At-Large Members Ballot (entire Reservation); 2. Vote for no more than two (2) Candidates; and
  - 3. Candidate Listing.

## XI. ELIGIBILITY QUALIFICATIONS FOR VOTERS AND VOTING METHODS

- A. The Hopi Enrollment Office shall prepare the Registry of Eligible Voting Members (“Voter Registry List”) for the 2020 HBE election.
- B. Eligible voters for the seven (7) Attendance Area members shall satisfy the following qualifications:
  - 1. Be eighteen (18) years of age or older on election day; and
  - 2. Must be either:
    - a. A resident of the Attendance Area prior to the election; or
    - b. Have a child enrolled in the school of the Attendance Area.
- C. Eligible voters for the two (2) At-Large HBE members shall satisfy the following qualifications:
  - 1. Be eighteen (18) years of age or older on election day;

2. Be an enrolled Hopi Tribal member; and
  3. Be listed on the Voter Registry List, or if not on the Voter Registry List, verification of Tribal membership must be shown through the Hopi Enrollment Office.
- D. Mail-in Voting shall be available as follows:
1. Any eligible voter living on or off the Hopi Reservation may request a mail-in ballot from the Hopi Elections Office to cast his or her vote;
  2. Requests for mail-in ballots shall be made prior to thirty (30) calendar days before the election date; and
  3. Mail-in ballots shall be postmarked on or before the election date to be counted.
- E. Assistance for voters with disabilities shall be made.

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## XII. POLLING SITES

- A. Subject to change to accommodate health and safety measures needed due to the COVID-19 pandemic, one (1) polling site shall be located in a community center or building in each of the following communities for a total of six (6) polling sites:
1. Keams Canyon Communities (Spider Mound, Jeddito, and Keams Canyon);
  2. First Mesa Communities (Walpi, Sichomovi, and Tewa);
  3. Second Mesa Communities (Sipaulovi, Mishongnovi, and Shungopavi);
  4. Third Mesa Communities (Kykotsmovi and Oraibi);
  5. Third Mesa Communities (Hotevilla and Bacavi); and
  6. Moencopi Communities (Upper Moenkopi and Lower Moencopi).
- B. Additional polling sites may be added if funding and building locations are available and a need for additional polling sites arises.
- C. No voting shall be held at the schools due to Sex Offender Registration and Notification Act purposes and restrictions.
- D. See Election Day, Section XIII.C for Emergency Voting procedures.

### XIII. ELECTION DAY

- A. All approved polling sites shall open from 7:00 a.m. – 7:00 p.m.
- B. On-site, in-person voting shall be held for all eligible voters if circumstances are safe and healthy to do so.
- C. If on-site, in-person voting is held and the COVID-19 pandemic is continuing, emergency voting procedures shall be instituted and may include a minimum of:
  - 1. Curb-side voting in which voters will remain in their vehicles to vote;
  - 2. Health and safety guidelines shall be followed by election staff and voters, to include but not be limited to social distancing practices of at least six (6) feet, hand sanitizer, and wearing of face coverings; and
  - 3. Any other election procedures or practices needed to protect voters and election staff's health and safety.

### XIV. POLL OFFICERS

- A. Poll Officers shall be hired and assigned for each polling site as follows:
  - 1. The Hopi Elections Office shall hire three (3) Poll Officers to serve in the following positions: "Judge," "Clerk," and "Marshal," whose duties and responsibilities shall generally be as follows:
    - a. "Judge" shall supervise the operation of the election polling site,
    - b. "Clerk" shall maintain the Voter Registry list, handout ballots to voters, and maintain list of names of people who have voted, and
    - c. "Marshal" shall keep order at the polling site and maintain social distancing of staff and voters;
  - 2. "Sanitizer Staff": To be responsive to COVID-19 needs and measures, a sanitizer staff shall be hired to hand out personal protective equipment, clean election booth area, maintain social distancing of staff and voters, and otherwise maintain the cleanliness of the polling site; and
  - 3. "School Enrollment Clerk": Each of Hopi's Tribally Controlled Schools shall provide one (1) school registrar, school receptionist, or someone who has extensive knowledge of parents and guardians from each Attendance Area school to be present at the polling site and to assist with identifying whether a voter is a parent or guardian of an enrolled student. The schools shall provide compensation for this position.
- B. Alternate Poll Officers shall be selected, shall receive training, and be on stand-by on the day of the election to work in the event a Poll Officer is not available to work on election day.
- C. Poll Officer minimum qualifications are:

1. Must be eighteen (18) years or older;
  2. Must pass a background check; and
  3. Must be available to work the entire day of the election.
- D. Advertisement for the Poll Officers shall be placed at least forty-five (45) days prior to the election date.
- E. Interviews of the Poll Officer applicants and the recommendation of hires shall begin at least thirty (30) days prior to the election date.
- F. Payment for Poll Officers and Alternates shall be made available for hours worked.
- G. AES shall conduct election training for Poll Officers and Poll Officer Alternates prior to election day.
- H. Poll Officer oath of office shall be given on the day of election training.
- I. Poll Officers and any Alternates who work on the day of the election shall receive one (1) meal on the day of the election.
- J. Transition Team members and alternates are not eligible to serve as Poll Officers for the HBE election.

#### XV. ELECTION SERVICE PROVIDERS

- A. Hopi Tribal Law Enforcement Officers shall:
1. Escort ballot boxes and marshals to polling sites in the morning;
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2. Escort ballot boxes and marshals to canvassing headquarters after polling sites have closed; and
  3. Provide security at the canvassing site. B. Hopi Office of Human Resources shall:
    1. Conduct background checks of HBE Candidates;
    2. Advertise for Poll Officers, screen applicants, process background checks for Poll Officers; and
    3. Process new hires of Poll Officers. C. Hopi Enrollment Office shall:
      1. Verify the HBE Candidates' Hopi Tribal membership;
      2. Provide updated Voter Registry List for use at each polling site; and
      3. Provide voter verification, if there is a question on a voter. D.
- Automated Election Service shall be hired to:

1. Prepare a draft of and finalize the ballot style for the Attendance Area and At-Large members;
  2. Provide election training for Poll Officers and alternates; 3. Provide on-site election technical support on election day; and
  4. Provide canvassing of election ballots.
- E. The Hopi Tribe's Office of General Counsel ("OGC") shall provide the following legal services related to the HBE election:
1. Review and provide an opinion on election procedures;
  2. Monitor election process on election day;
  3. Monitor canvassing process on election day; and
  4. Represent the Hopi Election Board and the HBE Election Team in the event of a challenge against the Hopi Election Board and/or the HBE Election Team, if no conflict arises with the OGC's representation of the Hopi Tribal Council.

#### XVI. CANVASSING

- A. Due to COVID-19 safety measures, only members of the Hopi Election Board, Hopi Elections Office, HBE Election Team, AES, Poll Officers, the OGC, and Hopi Tribal Law Enforcement may be present for canvassing.
- B. Electronic counting of the ballots shall be processed by AES and the Hopi Election Board.

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#### XVII. POSTING OF UNOFFICIAL ELECTIONS RESULTS

- A. Posting of the Unofficial Results for all HBE positions shall be posted in the following locations:
  1. On the door of the canvassing site at the end of canvassing by the Chairperson of the Hopi Election Board;
  2. On the Hopi Elections Office website, [www.hopi-nnsn.gov/tribalgovernment/hopi-elections-office/](http://www.hopi-nnsn.gov/tribalgovernment/hopi-elections-office/); and
  3. On each of Hopi's Tribally Controlled Schools' websites.
- B. Posting of the Unofficial Results for all HBE positions shall be posted on the door of each polling site location by the Judge for each polling site.



## XVIII. POSTING OF OFFICIAL RESULTS

- A. Posting of the Official Results shall be posted by the Hopi Elections Office following the challenge dates.
- B. Posting of the Official Results shall be posted:
  - 1. In areas most visited by community members;
  - 2. Online at [www.hopi-nsn.gov/tribal-government/hopi-elections-office/](http://www.hopi-nsn.gov/tribal-government/hopi-elections-office/); 3. On each of Hopi's Tribally Controlled Schools' websites; and
  - 4. In local newspaper(s) and other local media sources.
- C. Official results shall be mailed to all Candidates, the Department, Hopi Tribal Council, Hopi Tribal Council's Health and Education Committee, and Transition Team Officers.

## XIX. CHALLENGES

- A. An eligible voter, who participated in the election just held, shall be eligible to challenge the election process and shall prove an alleged election infraction.
- B. A challenge may only be filed with the Hopi Elections Office by 5:00 p.m. on the third working day after the HBE election. C. The challenge shall:
  - 1. Be in written form;
  - 2. Provide the name of the challenger, challenger's contact information, and be signed by the challenger;
  - 3. State the election process that is being challenged; and
  - 4. Describe the alleged election infraction and provide evidence thereof. D. Anonymous challenges shall not be considered.

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- E. A challenge shall be submitted on or before the deadline date to the Hopi Elections Office which shall date and time stamp the challenge document.
- F. The Hopi Election Board shall have up to two (2) working days to issue a decision on the challenge and mail it to the challenger.
- G. In reaching its decision on a challenge, the Hopi Election Board may consult with the HBE Election Team, other relevant agencies, and Election Service Providers (see Sec. XV) as needed.
- H. If the challenger is not satisfied with the decision, the challenger may file with the Hopi Tribal Courts no later than three (3) working days of receipt of delivery of the decision.
- I. The Tribal Courts' decision(s) shall be final and not subject to further appeal.

XX. IN EVENT OF A TIE

- A. In the event of a tie for any of the positions to fill a seat, the Hopi Election Board shall prepare the completed ballots for a re-count on the night of canvassing.
- B. The Hopi Election Board shall have a re-count of the ballots only if the tie will affect the top vote getters for a position.
- C. If the re-count still results in a tie, the Hopi Election Board shall notify the Candidates. If a Candidate concedes, a document conceding the election shall be signed by the conceding Candidate, provided to the Hopi Election Board, and no Run Off Election shall be held.
- D. If none of the Candidates concede, a Run Off Election shall be held within thirty (30) days of the last election date for the Candidates who have tied for that position.
- E. If there is a tie for the At-Large members, the top two (2) vote getters shall take the positions. There shall be a Run Off Election only if there is a tie between three (3) or more Candidates for these positions. If one or more Candidates concedes and there are only two (2) remaining Candidates who are tied, there shall be no Run Off Election.

XXI. RUN OFF ELECTION

- A. In the event of a tie for any of the positions to fill a seat, a Run Off Election shall be held thirty (30) days from the last election date. A new calendar of dates shall be issued for that election.
- B. If the Run Off Election is for one of the six (6) Elementary School Attendance Areas, only that Attendance Area shall participate in the Run Off Election.
- C. If the Run Off Election is for the Hopi Junior Senior High School Attendance Area, the entire Hopi Reservation shall participate in the Run Off Election.
- D. If the Run Off Election is for an At-Large member, the entire Hopi Reservation shall participate in the Run Off Election.

- E. All polling locations for any Run Off election shall be approved by the Hopi Election Board.

## XXII. OATH OF OFFICE

The Oath of Office shall be given to the newly elected Hopi Board of Education members by a Hopi Tribal Judge prior to the first regularly called meeting following the election. Code Sec. 4.1.D.

## XXIII. APPLICABLE LAWS, AMENDMENTS, AND MISCELLANEOUS PROVISIONS

- A. The election of the HBE is governed by the Hopi Education Code and all other applicable Resolutions, Ordinances and Laws of the Hopi Tribe.
- B. If a Candidate files a fraudulent election packet, he or she shall not be eligible to run in the election, shall be removed from the HBE, and shall be subject to other penalties under applicable law.
- C. These Election Procedures are applicable only to the 2020 HBE election.
- D. These election procedures for the HBE election shall be approved by the Transition Team no later than ninety (90) days of the election date.
- E. Prior to the 2020 HBE election, these Election Procedures may be amended by the Transition Team.
- F. Once the HBE is elected and sworn in, these Election Procedures may be reviewed and amended by the HBE.

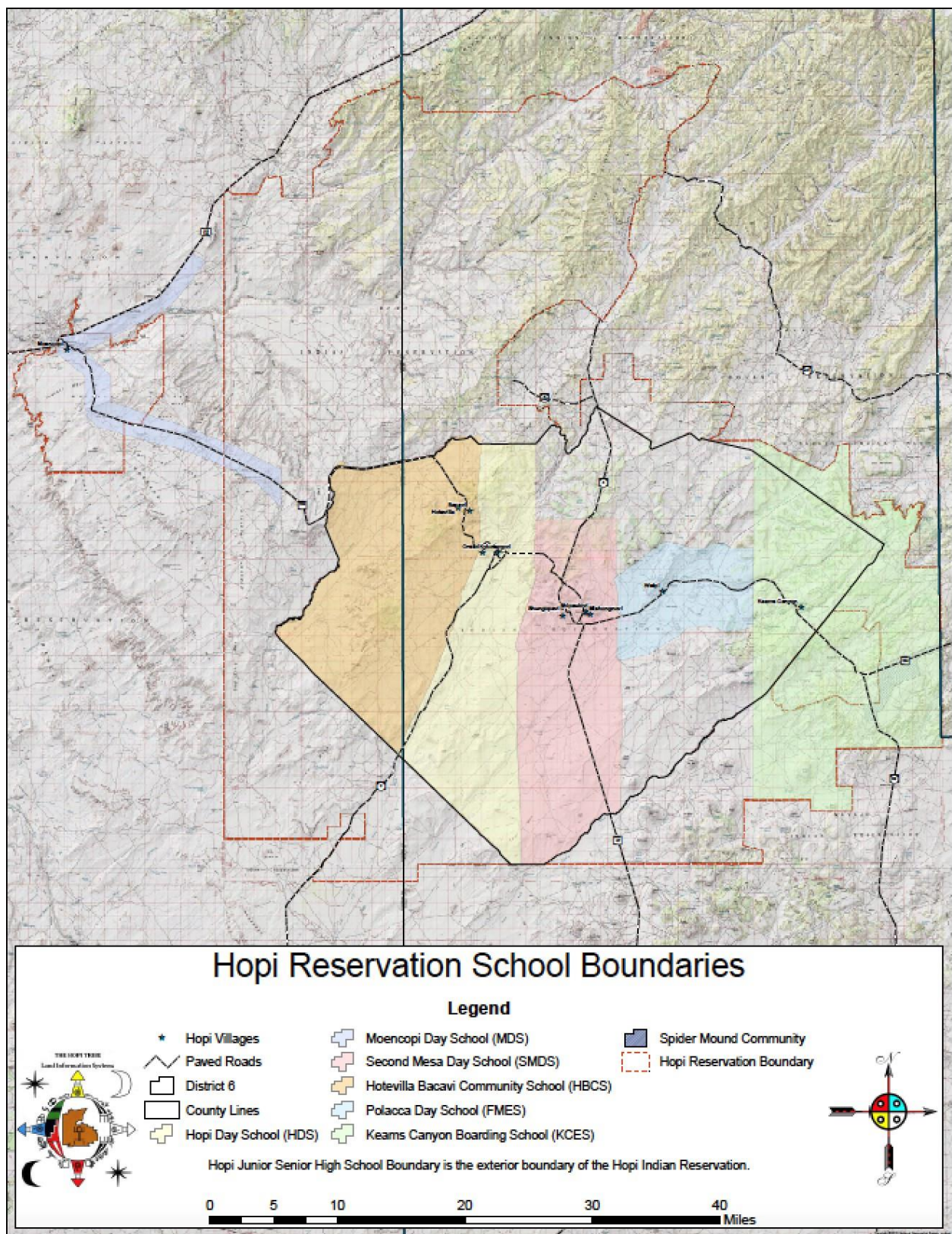
## CERTIFICATION

I hereby certify that the foregoing Election Procedures for the Hopi Board of Education election was duly adopted by the Hopi School System Transition Team on the 27th day of August, 2020, by a vote of 16 in favor, 0 opposed, and 0 abstaining after full and free discussion on its merits, Chairperson not vol

  
Dr. Darold Joseph, Transition Team Chairperson

ATTEST:

  
Samantha Honani, Transition Team Secretary



# **CHAPTER 4: “HOPI BOARD OF EDUCATION” OF THE HOPI EDUCATION CODE ENACTED AUGUST 7, 2019**

Current as of 09/10/20

## **CHAPTER 4. HOPI BOARD OF EDUCATION**

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

4.1.A The Hopi Board of Education is hereby established as an independent, Tribal Regulated Entity, under the authority of Tribal Council Resolution H-118-2015, Section 1.H, for the purpose of overseeing the operation of the Hopi School System.

4.1.B The HBE shall be responsible for providing educational leadership, ensuring accountability, and acting in an authoritative and policy-making capacity consistent within applicable Tribal, federal, and State law.

4.1.C The Health and Education Committee, the Director of the Department of Education and Workforce Development, and the Transition Team officers shall determine the first election date of the Hopi Board of Education. Subsequent elections shall be held between November 1 and December 1 with elected members beginning 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 Hopi Board of Education established pursuant to this Code. A Hopi Tribal Judge shall administer the oath of office for the HBE members.

4.1.E The local school boards originally established under Ordinance No. 36 shall continue to operate and exercise their governing, fiscal, and oversight powers until such powers are transferred to the HBE at a time to be determined by the HBE as set forth in Chapter 6 of this Code. Upon this transfer, the new local school boards shall have the duties and responsibilities set forth in this Code.

## **Section 4.2 Organizational Membership**

4.2.A The voting members of the HBE shall be comprised of nine (9) members as follows:

4.2.A(1) One (1) member shall be elected from each of the seven (7) attendance area designations for a total of seven (7) members; and

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4.2.A(2) Two (2) members shall be at-large members elected by the entire Hopi voting membership.

4.2.B Elections for the nine (9) HBE members shall be conducted by the Hopi Election Board and the Hopi Election Office.

4.2.C The Director of the Department of Education and Workforce Development shall be appointed to the HBE as an ex officio member and shall not have any voting rights.

4.2.D The seven (7) HBE members elected from each attendance area shall satisfy the following qualifications:

4.2.D(1) Hold at least an Associate's degree in any field from an accredited institution with a preference of an education degree;

4.2.D(2) At least twenty-five (25) years of age;

4.2.D(3) Preferred to be an enrolled Hopi Tribal member, but it is not required;

4.2.D(4) Not a member of the Hopi Tribal Council or a local school board;

4.2.D(5) Successfully pass a background check as defined in this Code; and



4.2.D(6) Not a current employee or direct relative of an employee of the Central Administration Office, the Department, local school, or preschool of the Hopi School System.

4.2.E The two (2) at-large HBE members shall satisfy the following qualifications:

4.2.E(1) Hold at least a Bachelor's degree in education or education-related field from an accredited institution;

4.2.E(2) At least twenty-five (25) years of age;

4.2.E(3) An enrolled member of the Hopi Tribe;

4.2.E(4) Not a member of the Hopi Tribal Council or a local school board;

4.2.E(5) Successfully pass a background check as defined in this Code; and

4.2.E(6) Not a current employee or direct relative of an employee of the Central Administration Office, the Department, local school, or preschool of the Hopi School System.

4.2.F The Transition Team shall determine whether candidates for the HBE satisfy HBE's eligibility requirements. Once the CSA is hired, the CSA shall determine whether candidates for the HBE satisfy HBE's eligibility requirements.

4.2.G Each HBE member shall have one (1) vote at all regular and special meetings.

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4.2.H Hopi Board of Education members shall vote for a Chairperson and Vice Chairperson of the Hopi Board of Education from amongst their nine (9) elected members. The HBE may select additional officers from amongst their nine (9) elected members as it deems necessary. The HBE shall select the Chairperson, Vice Chairperson, and any other officer position(s) at the first meeting in January following their election.

4.2.I The Chairperson, Vice Chairperson, and any other officer position(s) shall serve as officers until the January following the next election, when the HBE shall select new officers. If their term on the HBE extends beyond their position as officers, the member(s) shall serve the remainder of their term(s) as nonofficer(s).

4.2.J The Chairperson of the HBE shall vote only in the event of a tie vote.

4.2.K If a Hopi Tribal Council member, local school board member, or employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School System is elected to the HBE, he or she shall resign in writing from that position before he or she takes the oath of office as a member of the HBE.

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

4.3.A The term of office for each elected HBE member shall be four (4) years. The positions shall be staggered as follows:

4.3.A(1) Four (4) of the elected members shall be for an initial two (2) year term, and four (4) years thereafter; and

4.3.A(2) Five (5) of the elected members shall be for an initial four (4) year term, and four (4) years thereafter.

4.3.B The determination of which HBE positions shall serve the initial two (2) and four (4) year terms shall be by drawing lots, except the two (2) initial at-large members shall not draw lots. The two (2) initial at-large members shall serve in two (2) of the five (5) member positions with an initial four (4) year term.

4.3.C Hopi Board of Education members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit.

#### **Section 4.4 Removal from the HBE**

Hopi Board of Education members may be removed by the Tribal Council for cause and are subject to removal pursuant to the rules and procedures regarding removal of elected officials to be established in the HBE bylaws developed pursuant to this Code.

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#### **Section 4.5 Vacancy on the HBE**

If a vacancy occurs within the HBE membership due to death, resignation, or removal more than a hundred eighty (180) days from the date of the next election:

4.5.A The HBE shall offer the vacant HBE seat to the runner up from the previous election for that HBE seat. This runner up shall serve the remainder of the vacant HBE member's term.

4.5.B If there was no runner up in the previous election or the runner up is not able to serve, the HBE shall call a special election within sixty (60) calendar days of the vacancy, and a new HBE member shall be elected for the attendance area in which the vacancy occurred and shall serve the remainder of that term.

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

4.6.A In consultation with local school boards and Principals, the HBE shall establish and oversee educational policy, fiscal management, and administrative services for all local schools within the Hopi School System. In addition to other duties stated in



this Code, the duties and obligations of the HBE shall include, but are not limited to:

- 4.6.A(1) Setting the direction and overseeing the Hopi School System by:
  - 4.6.A(1)(a) Relying on Hopi culture, philosophy and values to oversee the creation of a learning environment within all local schools that supports life-long learning, traditional dispute resolution systems, and community based learning;
  - 4.6.A(1)(b) Focusing curriculum and programming on academics, Hopi language, culture, and history, Hopi civics, the Reservation's natural resources and economies, health and nutrition, students' self-confidence and emotional well-being, and parenting and family life;
  - 4.6.A(1)(c) Determining the administrative areas which shall be centralized in the initial Central Administration Office, see Appendix A (Hopi School System Organizational Chart);
  - 4.6.A(1)(d) Maintaining awareness of local school board, local school, and pre-school matters;
  - 4.6.A(1)(e) Ensuring that all local schools receive services based on their student enrollment and status as a Tribally Controlled School;
  - 4.6.A(1)(f) Resolving or causing to be resolved conflicts between local school boards;
  - 4.6.A(1)(g) Hiring an attorney to provide legal services and representation for all entities of the Hopi School System;
  - 4.6.A(1)(h) Negotiating 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(1)(i) Attending professional development training; and
  - 4.6.A(1)(j) Ensuring that all applicable Hopi, federal, and State education laws are followed.
- 4.6.A(2) Establishing policies and procedures and educational goals by:

- 4.6.A(2)(a) Drafting Hopi School System policies and procedures in accordance with this Code and as set forth in Section 4.11;
  - 4.6.A(2)(b) Creating a comprehensive program for special needs education; and
  - 4.6.A(2)(c) Ensuring that policies and procedures are properly implemented by local schools, local school boards, and all other entities of the Hopi School System.
- 4.6.A(3) Overseeing Hopi School System Employees:
- 4.6.A(3)(a) Hiring, supervising, evaluating, and discharging the CSA of the Hopi School System;
  - 4.6.A(3)(b) Approving or disapproving the hiring of Central Administration Office staff, who shall work under the supervision of the CSA to provide administrative services to the schools and implement Hopi School System policies and procedures;
  - 4.6.A(3)(c) Hiring and discharging Principals after reviewing recommendations from local school boards and the CSA;
  - 4.6.A(3)(d) Developing policies and procedures to address employment disputes, which shall include, but not be limited to dismissal of educators, non-renewal of contracts, suspensions, violations of the Code of Ethics, due process protocols, and requests for hearings; and
  - 4.6.A(3)(e) Approving or disapproving local schools' hiring recommendations for local school staff.
- 4.6.A(4) Ensuring accountability to the Hopi Sinöm by:
- 4.6.A(4)(a) Overseeing the drafting of the Annual State of Hopi Education Report;
  - 4.6.A(4)(b) Evaluating the CSA and setting policies for evaluation of other personnel;
  - 4.6.A(4)(c) Keeping records and minutes of all meetings, which shall be prima facie evidence of the facts stated therein;

- 4.6.A(4)(d) Reviewing regular, monitoring, and evaluation reports from the CSA and local schools regarding the condition, needs, and progress of education services and staff on the Reservation;
  - 4.6.A(4)(e) Serving as a judicial and appeals body;
  - 4.6.A(4)(f) Evaluating HBE's own effectiveness through selfevaluation; and
  - 4.6.A(4)(g) Providing written notice to the Tribal Council of any filed or potential litigation, mediation, or arbitration against any entity or employee of the Hopi School System. This notice shall be provided to the Tribal Council within seven (7) days of the HBE or a HBE member becoming aware of the filed or potential litigation, mediation, or arbitration.
- 4.6.A(5) Review and approve annual appropriations and operating budgets for the Hopi School System, Central Administration Office, local school boards, and local schools consistent with this Code.

#### **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) Prepare an agenda for all HBE meetings in consultation with the CSA; and

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- 4.7.A(2) Preside over all HBE meetings and oversee HBE functions.

4.7.B If the Chairperson resigns or is removed from the HBE, a new Chairperson shall be selected at the first monthly meeting following the vacancy of the Chairperson.

4.7.C The Hopi Board of Education Vice-Chairperson shall perform all Chairperson functions in the event of the absence, resignation, or removal of the Chairperson.

#### **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 short and long term "Committees" and

“Subcommittees” to address and focus on specific, education related issues. The Committees shall not have authority to make decisions on behalf of the HBE and shall instead serve as fact-finding and advisory bodies to the HBE.

4.9.B Committee Membership may include, but not be limited to HBE members, Principals, educators, parents, field specialists/professionals, business managers, students, elders, Tribal employees, 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 HBE. Hopi Board of Education members may make their own Committee nominations for the HBE to consider, and local school boards, local schools, and other Stakeholders may also submit Committee nominations. HBE shall provide thirty (30) days public notice of the establishment of a Committee.

4.9.D The Hopi Board of Education shall create the following short and long term Committees:

4.9.D(1) Policies and Procedures Committee: To research and lead effort to draft Hopi School System policies and procedures. HBE shall consider appointing Subcommittees under the Policies and Procedures Committee for certain substantive, topic areas, e.g., personnel policies, fiscal management, and operations and maintenance.

4.9.D(2) Strategic Planning Committee: To assist in 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 School System which shall address the significance of education for Hopi students, desired educational outcomes for students, and the role of

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the Tribe’s sovereignty and jurisdiction over the schools within the Hopi Reservation.

4.9.D(3) Evaluations Committee: To assist with the creation of evaluation criteria, procedures, and due process protocols for Hopi School System employees.

4.9.D(4) Hopilavayi Committee: To assist in the creation of a comprehensive Hopi language, culture, and history curriculum and assessment program.

4.9.D(5) Behavioral Wellness Committee: To identify needs for behavioral health and social services within the schools and assist in the coordination of these services for the schools.

- 4.9.D(6) Separating Junior High Committee: To analyze and assist in the separation of seventh (7<sup>th</sup>) and eighth (8<sup>th</sup>) graders from the Hopi Junior Senior High School, which has been identified by Stakeholders as a significant need at the Hopi Junior Senior High School.
- 4.9.D(7) Hopi Youth 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.
- 4.9.D(8) Hopi Education Standards, Assessments, and Accountability Committee: To oversee development of Hopi's own standards, curriculum, assessments, and accountability measures by receiving a waiver from federal and State requirements.

#### **Section 4.10 Bylaws**

- 4.10.A The HBE shall adopt bylaws establishing rules of procedure and internal governance following the Hopi Board of Education's first swearing in.
- 4.10.B As soon as the bylaws are completed, the Hopi Board of Education shall submit the bylaws to the Hopi Tribal Council for approval and ratification.
- 4.10.C Recall and termination procedures for HBE members shall be specified in the bylaws.

#### **Section 4.11 Policies and Procedures**

- 4.11.A The HBE shall adopt Hopi School System policies and procedures following the hiring of the CSA. Once they are adopted, the policies and procedures shall be submitted to the Hopi Tribal Council for their information.

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- 4.11.B In the event of a conflict between the Hopi School System policies and procedures and this Code, the terms of this Code shall govern.
- 4.11.C The HBE shall create a Policies and Procedure Committee to lead the development of the Hopi School System policies and procedures as described in Section 4.9.D(1). The HBE shall also consult with the CSA, local school boards, principals, educators, parents, and other Stakeholders, and consider special circumstances of local schools prior to final adoption of the policies and procedures.
- 4.11.D Hopi School System policies and procedures shall utilize traditional Hopi values and customs in the development of discipline and dispute resolution policies.

- 4.11.E Hopi School System policies and procedures shall prohibit corporal punishment as a form of discipline in any policy of the Hopi School System.
- 4.11.F The policies and procedures to be adopted by the HBE shall include, but not be limited to the following:
- 4.11.F(1) An evaluation policy for all local school staff;
  - 4.11.F(2) A social media policy for the Hopi School System;
  - 4.11.F(3) A policy for expulsion of students and possible development of an alternate education school or program;
  - 4.11.F(4) A nepotism policy in hiring and staffing decisions;
  - 4.11.F(5) A policy establishing criteria for determining renewal and nonrenewal of contract employees of the Hopi School System, which shall be based on performance, evaluations, and/or conduct, and shall include written notification to an employee of the reason(s) based on statements of fact for a non-renewal determination;
  - 4.11.F(6) Background check and personnel policies for all Hopi School System staff and local school board members;
  - 4.11.F(7) A policy requiring professional development trainers to be certified or have recognized expertise in their respective fields; and
  - 4.11.F(8) Policy, procedures, and criteria for creating a comprehensive Hopi language and culture program as set forth in Chapter 13 of this Code.

#### **Section 4.12 Code of Ethics**

HBE shall approve and adopt a Code of Ethics which shall apply to HBE members, educators, local school board members, and all employees of the Hopi School System. The Code of Ethics shall contain procedures for hearings and resolution of any ethical issues, including the

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presentation of written or oral testimonies and evidence, consideration of testimony and evidence, and appropriate and reasonable penalties for violations of the Code of Ethics.

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

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

## **Section 4.14 Meetings**

- 4.14.A The HBE shall hold a minimum of eleven (11) monthly meetings per year, or on a schedule as is necessary to carry out its responsibilities, or at the call of its Chairperson.
- 4.14.B Hopi Board of Education meetings shall rotate among all seven (7) attendance areas so that any and all interested Stakeholders have the opportunity to attend a HBE meeting. At least one (1) meeting per year shall be held within each attendance area.
- 4.14.C All meetings of the HBE where official action is taken shall be public. Executive sessions of the HBE may be called to review materials or to discuss, but not act upon, sensitive or confidential matters. Executive sessions shall not be open to the public.
- 4.14.D A quorum shall consist of a simple majority of the elected HBE members. Quorum shall be required to begin an official meeting of the HBE.
- 4.14.E A simple majority of the elected HBE members who form a quorum is necessary to pass an official action of the HBE.
- 4.14.F During HBE meetings, an opportunity shall be made available for the public to speak on any issue on the HBE's agenda. Members of the HBE may not reach a decision or take legal action regarding matters that are not specifically identified on the agenda. Action taken as a result of any 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 HBE's discussion of that item if agreed to by a majority of the HBE, otherwise public comments shall be made only during the public comment period.
- 4.14.G The CSA, local school board president, and Principals shall provide monthly school reports to the HBE to be delivered at each regular monthly HBE meeting. The HBE shall decide if these reports are to be either in written or oral form.

- 4.14.H Special Meetings shall be allowed as follows:

- 4.14.H(1) Special meetings may only be held for significant and time sensitive matters. Special meetings may be called if the Chairperson or five (5) HBE members agree that a special meeting is warranted. An agenda shall be prepared by the Chairperson.

4.14.H(2) The Chairperson shall provide at least forty-eight (48) hours written notice and the agenda to all HBE members, the public, the CSA, local school boards, and Principals.

4.14.I Any person who requests the HBE to accept an appeal or any other hearing or meeting shall first exhaust all Hopi School System remedies, policies and procedures prior to requesting an appeal as provided for in this Code or HBE policies and procedures.

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

4.15.A Each year, HBE shall approve a budget for the Hopi School System. Once determined, this budget shall be made available to the public.

4.15.B Local schools shall receive federal operational and administrative cost funding based in part on their 3-year student enrollment average and as otherwise provided for under federal law. The HBE shall fund necessary HBE, Central Administration Office, local school board, and local school administrative expenses through a percentage subtracted from the grant funding of each local school.

4.15.C The total administrative costs allowed for the Hopi School System, which are paid by federal grant funds, shall not exceed the amount allowable under federal law.

4.15.D Hopi School System and other federal funds may only be used for legal services which are necessary to advise and implement this Code and comply with applicable laws. Only the HBE is authorized to use these funds to hire attorneys to represent any entity of the Hopi School System.

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

4.16.A Each year, HBE shall approve a budget for all its travel, training, and other HBE expenses. Hopi Board of Education members shall also receive a meeting stipend for discharging their duties as HBE members.

4.16.B The HBE's budget, expenses and stipends shall be included in the Hopi School System annual audit as part of the Annual State of Hopi Education Report.

4.16.C The HBE's budget shall be developed in accordance with the Tribally Controlled Schools Act and other federal funding requirements applicable as Bureau-funded schools.

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4.16.D Hopi Board of Education members' compensation for participation in HBE meetings shall be one hundred dollars (\$100) per regular or special meeting. The HBE may hold as many meetings as needed per month, but shall only be compensated for one (1) regular and one (1) special meeting per month, except



during the Transition Period, HBE members, once they are sworn in, shall be compensated for up to four (4) meetings per month. The HBE shall review this compensation rate every two (2) years, and may modify the rate as determined appropriate. If the HBE meeting compensation rate is modified, the HBE shall include such modification in its Annual State of Hopi Education Report.

#### **Section 4.17 Transition Team and Transition Period**

4.17.A The Transition Team shall facilitate and execute the planning and implementation of the transition from the current organization of Hopi's local schools to the Hopi School System.

4.17.B A representative of the Transition Team shall report monthly to the Health and Education Committee on the transition work. Once the Hopi Board of Education is sworn in, representatives of the HBE and the Transition Team shall provide monthly reports to the Health and Education Committee until the conclusion of the Transition Period.

4.17.C Members of the Transition Team shall be determined as follows:

4.17.C(1) Transition Team members shall include:

4.17.C(1)(a) all current Principals;

4.17.C(1)(b) a current teacher;

4.17.C(1)(c) a current Hopilavayi teacher or a person recognized for their Hopi language and culture expertise;

4.17.C(1)(d) a parent of a currently enrolled student in a local school;

4.17.C(1)(e) a special needs education teacher or special needs education professional;

4.17.C(1)(f) a university professor with at least a Master's degree in education;

4.17.C(1)(g) a business manager or a certified public accountant;

4.17.C(1)(h) a human resources professional;

4.17.C(1)(i) a transportation professional;

4.17.C(1)(j) an operations and maintenance professional;

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4.17.C(1)(k) a food services professional;

4.17.C(1)(l) a security services professional;

4.17.C(1)(m) Director of the Hopi Department of Behavioral Health

Services;

- 4.17.C(1)(n) Director of the Hopi Department of Social Services;
- 4.17.C(1)(o) Substitute for Principal at Keams Canyon Elementary School;
- 4.17.C(1)(p) Two additional Teachers (one at Hopi Junior High School and one at Hopi High School);
- 4.17.C(1)(q) Parent of a currently enrolled student at the Hopi Junior Senior High School;
- 4.17.C(1)(r) Information Technology professional;
- 4.17.C(1)(s) Hopi Law Enforcement Services representative; and
- 4.17.C(1)(t) Vocational Education professional.

4.17.C(2) Nominees shall be currently employed by a local school unless otherwise indicated in Section 4.17.C(1).

4.17.C(3) The Health and Education Committee, the Director of the Department of Education and Workforce Development, and the Principals of Hopi's seven Tribally Controlled Schools shall select individuals to fill any vacancies of the Transition Team members and alternates.

4.17.C(4) The Director of the Department of Education and Workforce Development and the CSA, once he or she is hired, shall serve on the Transition Team as ex officio members and shall have no voting rights.

4.17.D The Hopi Tribal Secretary shall administer an oath of office to the Transition Team members.

4.17.E Once sworn in, the Transition Team members shall select a Chairperson, who shall call meetings, prepare an agenda, and ensure that minutes and records of all Transition Team meetings are taken and maintained. Members may also select additional officers, if they determine they are necessary.

4.17.F Each member of the Transition Team shall have one (1) vote, except any local school which sends more than one (1) principal and/or superintendent to participate on the Transition Team, shall have only one (1) vote per school.

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4.17.G Within the first month of its swearing in, the Transition Team shall develop a timeline for completing the transition to the Hopi School System to be known as the "Transition Period." The Transition Period shall be at least eighteen (18) months and not longer than July 1, 2023.

- 4.17.H Throughout the Transition Period, the Transition Team and the HBE, once it is sworn in, shall have the authority to consult with other Tribal offices and departments so that their expertise can inform the drafting of Hopi School System policies and procedures.
- 4.17.I Once the HBE is sworn in, the Transition Team shall come under the oversight of the HBE. The Transition Team's work and membership shall be reviewed and any vacancies filled by the HBE. Representatives of the Transition Team and the HBE shall report to the Health and Education Committee at least once a month on the progress of the transition.
- 4.17.J Principals shall be required to attend all Transition Team meetings.
- 4.17.K The Transition Team shall continue until all work of the transition is completed.
- 4.17.L During the Transition Period, the Health and Education Committee shall recommend any modifications to the Code's transition requirements that the Committee determines such modification is in the best interest of the transition process and the Hopi School System to the Hopi Tribal Council for approval. Hopi Tribal Council has fifteen (15) calendar days to approve or disapprove such modifications.
- 4.17.M Once the new Hopi Board of Education is elected and sworn in, the Hopi Board of Education shall determine all Transition Period time frames, except that all Transition Period time frames and corresponding actions shall be completed by July 1, 2023.