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HOPI
TRIBE
EDUCATION
ORDINANCE



HOPI TRIBE DEPARTMENT OF EDUCATION . ORAIBI, ARIZONA

(Adopted May 4, 1981 by the Hopi Tribal Council)

HOPI TRIBE
ORDINANCE NO. 36

ORDINANCE PROVIDING FOR ESTABLISHING:

- the framework for a cooperative and mutually beneficial association of all educational entities located on the Hopi Indian Reservation and serving Hopi people;
- the basis for a comprehensive Hopi Education Ordinance defining Hopi educational interests and setting forth authorities for pursuing those interest;
- in accordance with 25 U.S.C. 2019 (Public Law 95-561, 92 Stat 2328) authorization for the functioning of "local" and "agency wide" school boards.

ADOPTED: May 4, 1981

HOPÍ TRIBE
RESOLUTION
H- 23 -81

WHEREAS, the Hopi Tribal Council has mandated the implementation of an educational system which will preserve the institutions created by the Hopi Tribal Council, maintain the concept of local schools, and provide all Hopi children with equal educational opportunities; and

WHEREAS, Public Law 95-561 requires that the Tribal Council provide authorization for local school boards to function in governance of local schools; and

WHEREAS, it is essential that standards be established to assure that all Hopi children entering the Hopi High School will be academically competitive; and

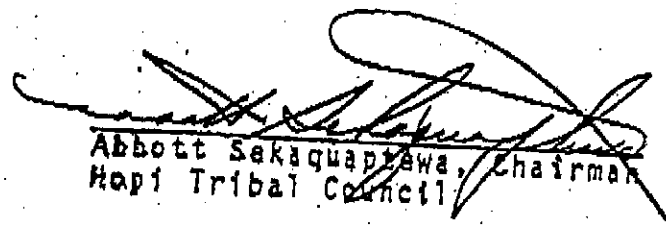
WHEREAS, the Education Committee of the Hopi Tribe has determined that sufficient steps have been taken to insure broad public participation in the formation process.

NOW THEREFORE BE IT RESOLVED that the Hopi Education Ordinance, attached hereto and by reference made a part hereof, be and it is hereby adopted as Ordinance #36.

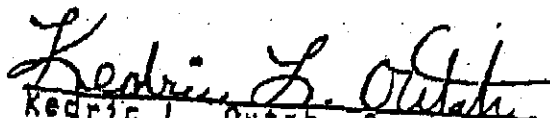
HOPI TRIBE
RESOLUTION
M- 33 -81

C E R T I F I C A T I O N

The foregoing resolution was duly adopted by the Hopi Tribal Council on May 4, 1981, at a meeting at which a quorum was present with a vote of 10 in favor, 1 opposed, 0 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by Section 1 (a)(g) of Article VI of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, ratified by the Hopi Tribal Council on October 24, 1936 and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does require Secretarial approval.


Abbott Sekaquappewa, Chairman
Hopi Tribal Council

ATTEST:


Kedric L. Outah, Secretary
Hopi Tribal Council

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SECTION 1: STATEMENT OF PURPOSE

The Hopi Tribal Council by establishment of this ordinance intends to:

Establish the framework for a cooperative and mutually beneficial association of all educational entities located on the Hopi Indian Reservation and serving Hopi people; and

Establish the basis for a comprehensive Hopi Education Ordinance defining Hopi educational interests and setting forth authorities for pursuing those interest; and

Establish in accordance with 25 U.S.C. 2019 (Public Law 95-561, 92 Stat 2328) authorization for the functioning of "local" and "agency-wide" school boards.

SECTION 2: SHORT TITLE

This ordinance shall be cited as the Hopi Education Ordinance.

SECTION 3: AUTHORITY

The authority for this ordinance is Article VI, Section 1. (a), 1. (g); and 1. (1) of the Constitution and By-laws of the Hopi Tribe.

SECTION 4: DEFINITION OF TERMS

- 4.1 Attendance Area Designation - A description of the geographical area within which a specified school board provides educational services.
- 4.2 Educational Services Designation - A description of the educational services provided by a specific school board to include grade or competency level offering, and any program of such a unique and comprehensive nature as to be potentially beneficial to students residing in other attendance areas.

- 4.3 Existing School Boards - Existing school boards for purposes of this ordinance are Hopi Day School Board, Hopi Mission School Board, Hopi School District #25 Board of Trustees, Hotevilla/Bacavi Community School Board, Keams Canyon Boarding School Board, Moencopi Day School Board, Polacca Day School Board and Second Mesa Day School Board.
- 4.4 Reservation-wide Educational Standards - Academic performance criteria which shall be set by the Hopi Board of Education as a guideline for developing and implementing educational programs.
- 4.5 Duplication of Educational Services - When, as determined by the Hopi Board of Education, certain types of educational services, offered by more than one local school, can be offered at greater benefits to the students needing the services by a lesser number of schools.

SECTION 5: DESIGNATION

5.1 Organization of Hopi Comprehensive Education System.

The basis of the organization of the Hopi Comprehensive Education system are the local school boards each distinguished from the other in terms of attendance area, educational services provided, and source of financial support. Attendance areas and educational services shall be established as provided in this ordinance and subject to limitations as determined by source of financial support.

5.2 Designation according to source of financial support.

Each local school board shall be designated according to the source of the majority of its financial support:

- 5.2.A Federal - Majority of financial support is public funding derived directly from the federal government.
- 5.2.B State - Majority of financial support is public funding derived through the Arizona State school financing system, and subjecting that school to the provisions of Title 15, Arizona Revised Statutes.
- 5.2.C Private - Majority of financial support is derived through private sources.
- 5.2.D P.L. 93-638 School, Tribal or Contract School - Majority of financial support is public funding derived from the federal government through P.L. 93-638 in which a school may operate under the sanction of the Hopi Tribe.

5.3 School Name

The local school board shall formally designate a name for their school which shall distinguish that school from other schools in the Hopi Comprehensive Education System.

SECTION 6: GOVERNANCE: THE ORGANIZATION POWERS AND DUTIES OF THE
HOPI BOARD OF EDUCATION

6.1 Membership, appointments, terms of office and officers.

6.1.A The Hopi Board of Education shall be composed of one member representing each of the school boards in the Hopi Comprehensive Education System. The Hopi Bureau of Indian Affairs Agency Superintendent of Education and the Director, Hopi Department of Education shall be "ex-officio" members of the board.

6.1.B Each member, other than the Director, Hopi Department of Education and the Hopi Bureau of Indian Affairs Agency Superintendent of Education shall be appointed by the school board they represent. Such members cannot be employed by a school or educational entity under the jurisdiction of the Hopi Board of Education.

6.1.C The initial members of the Hopi Board of Education shall be appointed to terms as herein below specified and thereafter each term shall be four years, expiring on the 31st day in December of the appropriate year.

6.1.C (1) The members representing Hotevilla/Bacavi Community School Board and Keams Canyon Boarding School Board shall be appointed for a term ending December 31, 1982.

6.1.C (2) The members representing Hopi Day School Board and Polacca Day School Board shall be appointed for a term ending December 31, 1983.

6.1.C (3) The members representing Hopi Mission School Board and Second Mesa Day School Board shall be appointed for a term ending December 31, 1984.

6.1.C (4) The members representing Moencopi Day School Board and Hopi District #25 Board of Trustees shall be appointed for terms ending December 31, 1985.

- 6.1.D Members representing newly established school boards shall be appointed for initial terms of a duration to insure, as nearly as possible, that an equal number of members will be ending and beginning terms each year.
- 6.1.E Procedures for organizing: The Hopi Board of Education shall hold its first meeting of the calendar year no later than January 15. The first order of business shall be the certification of new board members. The board shall then choose from its membership a presiding officer to serve for a period of one year. The presiding officer of the previous year shall relinquish her/his responsibility unless reelected. In the event that the outgoing presiding officer's term of office has expired, he/she shall preside, but not vote in the proceedings until such time as a new presiding officer is selected.

6.2 Meetings, quorums, expense of members.

- 6.2.A The Hopi Board of Education shall hold four regular meetings annually at times it may direct. Special meetings may be called periodically by the presiding officer of the Board. Special meetings shall be announced with agenda items specified not less than forty-eight (48) hours in advance, and publically posted in each of the Community Centers and Post Offices serving Hopi communities.
- 6.2.B A quorum, consisting of a simple majority of certified Hopi Board of Education members shall be present to hold an official meeting of the Hopi Board of Education.
- 6.2.C Concurrence of a simple majority of all members of the Board is necessary for validation of an act of the board.
- 6.2.D All meetings where official action is taken shall be public meetings. Executive sessions of the Board, to discuss, but not act upon sensitive or confidential matters, may be held when deemed advisable.
- 6.2.E Members shall be allowed travel expenses and per diem reimbursement as provided in the Hopi Tribal administrative manual to be paid upon claims approved by the Chief Administrative Officer, The Hopi Tribe, as other claims against the Tribe are paid, from the appropriation for the Board authorized in the Hopi Tribal budget.
- 6.3 General powers and duties: The Hopi Board of Education shall:
- 6.3.A Keep a record of its proceedings.

- 6.3.B Make rules and regulations for its own government.
- 6.3.C Determine the policy and work undertaken by the Board.
- 6.3.D Take, in accordance with 25 CFR part 31g.6 (c), formal action to approve or disapprove appointments made to Hopi Agency Education office by the Hopi Agency Superintendent for Education.
- 6.3.E Delegate to the Director, Hopi Department of Education, the execution of policies decided upon.
- 6.3.F Serve as Agency-wide School Board with all the responsibilities and authority accorded thereto by P.L. 95-561.
- 6.3.G In accordance with P.L. 95-561 as implemented by 25 CFR 31d 126 (b) and (d) ratify, reject or amend the Hopi Agency financial plan submitted to them by the Hopi Agency Superintendent of Education.
- 6.3.H Devise plans for the increase and management of reservation-wide education funds to include review and approval of Hopi Agency Education budget expenditures, and submittal of a budget request through the Hopi Department of Education and the Budget Committee of the Hopi Tribal Council for funds necessary for proper maintenance of the Hopi Board of Education.
- 6.3.I Resolve or cause to be resolved conflicts between local school boards.
- 6.3.J Assess reservation-wide educational needs.
- 6.3.K Set reservation-wide educational goals.
- 6.3.L Set minimum reservation-wide education standards.
- 6.3.M Serve as the tribal organization authorized by the Hopi Tribal Council to contract for Bureau of Indian Affairs Education Programs and functions as prescribed by P.L. 93-638.
- 6.3.N Verify attendance area and Educational Services designations of local schools as appropriate in reference to established criteria.
- 6.3.O Verify eligibility of local school boards for certification according to procedures set forth in Section 8, below.
- 6.3.P Prepare for presentation to the Education Committee of the Hopi Tribal Council an annual report on the status and future development of the Hopi Education System.

6.4 Administrative support provided by Hopi Department of Education.

The Hopi Department of Education shall be responsible for providing administrative support to the Hopi Board of Education. This support will include the selection of an individual, agency or university by the Director, Hopi Department of Education, with concurrence of the Superintendent of Education, Hopi Agency, to provide technical assistance. That individual, agency or university designated will be responsible for assisting any local school board who may, under the provisions of this ordinance, choose to appeal a determination of the Hopi Board of Education.

SECTION 7: GOVERNANCE: THE ORGANIZATION, POWERS AND DUTIES OF
LOCAL SCHOOL BOARDS

7.1 Organizational procedures for new and existing school boards.

Within three weeks of election, each of the local school boards shall meet. The meetings of new school boards shall be convened by the presiding officer of the Hopi Board of Education who will chair the meeting until new members are sworn in and the board chooses a president. At this point, the newly-elected president will chair the rest of the initial meeting. Agenda items shall be election of the remaining officers and the presentation of board certification by the Hopi Board of Education Presiding Officer.

7.2 Organizational Criteria.

Each local school board shall, in its constitution and by-laws, establish its own criteria for membership, procedures for election, recall and terms of office. The following minimum requirements shall be met:

7.2.A School Board members cannot be employees of the school governed by that school board.

7.2.B The first election authorized by this ordinance shall be held not earlier than November 1, and not later than December 1, immediately following enactment and subsequent elections shall be held on an annual basis not earlier than November 1, and not later than December 1 of each calendar year.

7.2.C Recall and automatic termination procedures shall be specified. The Hopi Board of Education shall be responsible for insuring that established procedures are followed in the conduct of any recall or termination action.

7.2.D Terms of office shall be not less than two years in duration and staggered to provide continuity of membership on the board.

7.2.E Provisions shall be made for the appointment of a representative to the Hopi Board of Education and defining that representative's relationship and responsibility to the local school board.

7.2.F There shall be a minimum of ten (10) regular meetings scheduled per year. From time-to-time the local school board may call special meetings. Special meeting shall be called forty-eight hours in advance of the meeting. Special meeting notices showing specific agenda items shall be posted in prominent places around the community. All meetings where official action is taken shall be public meetings. School boards may call executive sessions to review material before a public meeting.

7.3 General Power and Duties.

All local school boards shall:

7.3.A Keep a record of their proceedings.

7.3.B Establish constitution and by-laws, inclusive, at a minimum of the provisions of Sections 7.2.A - 7.2.F above and providing rules and regulations for their own governance.

7.3.C Determine policy and work undertaken by the Board.

7.3.D Review and approve the local school financial plan based on direct funding allotments and other resources as might be directly available to the local school.

7.3.E Appoint and discharge local school staff according to procedures determined by federal law and/or Hopi Tribal Personnel procedures where applicable. This shall include the right to:

(1) Waive Indian preference in accordance with provisions of P.L. 95-561.

(2) Establish local certification standards based on articulated need.

(3) In the instance of P.L. 93-638 contract schools waive B.I.A. Education standards in accordance with provisions of P.L. 95-561.

7.3.F Appoint in accordance with the provisions of Section 6.1 above, a representative to sit on the Hopi Board of Education.

□ □ SECTION 8: CERTIFICATION □ □

8.1 Eligibility for certification.

School boards seeking authorization to function under the provisions of this document shall be deemed eligible for certification upon verification by the Hopi Board of Education that:

8.1.A An attendance area has been defined and is not in conflict with the attendance area of that designated for any other local school board.

8.1.B Educational services have been defined and are not a duplication of services provided by any other school board.

8.1.C The local school board is organized in compliance with the requirements of this ordinance.

8.2 Action of the Hopi Board of Education to certify local school boards.

Upon verification of eligibility for certification the Hopi Board of Education shall by official action certify local school boards.

8.3 Appeal of the Hopi Board of Education's determination concerning eligibility for certification.

Local school boards may appeal any determination of the Hopi Board of Education to the Hopi Tribal Court. Appeals of determination concerning eligibility for certification shall be conducted in the following manner:

8.3.A Appeals to the Tribal Court shall be initiated by the filing of a notice of appeal and serving a copy of such notice on the Hopi Board of Education. Such appeals shall be handled in such manner as the Tribal Court may direct to assure the orderly and complete presentation of evidence and arguments to the court. The decision on the Tribal Court may be appealed to the Hopi Appellate Court in the manner provided for appeals in civil cases.

8.3.B In any appeal by a local school board to the Hopi Tribal Court which is authorized by this ordinance, the Tribal Courts shall affirm the decision of the Hopi Board of Education if it is reasonably supported by the evidence, is not contrary to law, and does not amount to an abuse of discretion. The burden of proving any of the foregoing shall be upon the local school board instituting the appeal.

8.4 Previously established school program continue in operation until appeal is completed.

In the event a local school board chooses to appeal, the school program that local school board is conducting at the time it chooses to appeal shall be allowed to continue until the appeal process is completed.

8.5 Responsibilities of certified School Boards.

In addition to authorizing local school boards to exercise the powers delegated by this ordinance, certification shall require each school board to accept for enrollment all eligible students residing within that school board's designated attendance area. Certification shall further require that school board to provide in full, those educational services and only those educational services specified in the educational services designation.

8.6 Deadline for obtaining certification required by this ordinance.

Existing school boards shall organize and hold elections according to the general guidelines of this ordinance not earlier than November 1 and not later than the December 1 immediately following the enactment of this ordinance. Existing school boards shall have one calendar year following the first election authorized by this document to obtain certification as provided in this ordinance.

SECTION 9: ESTABLISHMENT OF ATTENDANCE AREA DESIGNATION

9.1 Physical Description of attendance area required.

A description of the attendance area with sufficient clarity to make the boundaries readily identifiable shall be developed and maintained for each school in the Hopi Comprehensive Education System.

9.2 Criteria for Hopi Board of Education review of attendance area description; deadline for submittal.

The written description of the attendance area shall be presented to the Hopi Board of Education for review not later than 8 months following the first local school board election authorized by this ordinance. The review shall include consideration of the following factors:

- 9.2.A Operational cost
- 9.2.B Travel time and distance
- 9.2.C Climatic conditions
- 9.2.D Local terrain
- 9.2.E Number of pupils
- 9.2.F Overlap, if any, with attendance area description of neighboring schools.
- 9.2.G Maintaining cultural and linguistic consistency within a specific school.

9.3 Hopi Board of Education verification that attendance area description meets criteria.

The Hopi Board of Education shall within thirty (30) days verify that the attendance area description is appropriate, is supportive of reservation-wide educational interests and does not conflict with the description of any other local school.

9.4 Conflicting attendance area descriptions referred back to affected school boards.

Conflicting attendance area designations shall be referred back to the affected school boards for negotiation. Within thirty (30) days from the date of referral the affected school boards shall present modified non-conflicting attendance area description to the Hopi Board of Education or serve notice that they have failed to resolve the conflict.

9.5 Hopi Board of Education will determine attendance areas for local school boards unable to resolve conflict.

In the event that the local school boards, within the prescribed period of time, are unable to resolve the conflict, the Hopi Board of Education shall, within thirty (30) days of receiving notification of failure to resolve the conflict, on the basis of data obtained through its own study of the conflict, designate attendance areas for the local school boards. A period of thirty days in which to appeal as provided in Section 8.3 and 8.4 above shall be available after the Hopi Board of Education's determination. Failure to appeal within the prescribed period of time shall have the affect of making the Hopi Board of Education's determination final.

9.6 Area Attendance Waiver.

Area Attendance Waivers may be issued by the school board of the attendance area in which a student resides, authorizing attendance at a school in another attendance area. In issuing such a waiver a school should consider such factors as educational program offerings, transportation problems or documented need for a student to attend school outside the attendance area of his/her residence. Local school boards may accept a student from outside their designated attendance area at their option. Only those out of area students bearing area attendance waivers may be counted in the Average Daily Attendance for the purpose of computing funding allotment entitlements.

9.7 Modification of attendance area designation.

Designation shall be effected through the procedure prescribed in Sections 9.1 - 9.5 above.

SECTION 10: ESTABLISHMENT OF EDUCATIONAL SERVICES DESIGNATION

10.1 Description of local school educational services developed.

A description of educational services shall be developed and maintained to include grade or competency level offering and any unique and/or special program offering, targeting specific students.

10.2 Criteria for Hopi Board of Education review of educational services description and deadline for submittal to Hopi Board of Education.

The description shall be presented to the Hopi Board of Education for review not later than eight (8) months following the first local school board election authorized by this ordinance. The review shall verify only that educational services described are not a duplication of educational services as defined in this ordinance. The review shall take into consideration such factors as:

10.2.A The number of students needing the services.

10.2.B Whether or not all students needing the education services will have access to the services in the location or locations in which they might be provided.

10.2.C The requirements, expense and availability of specially qualified instructors, specialized equipment, and specialized facilities.

10.3 Hopi Board of Education recommendation of alternative education services description.

In the event that the Hopi Board of Education should refuse to recommend certification on the basis of the educational services description, the local school board shall within thirty days of the established submission deadline be notified in writing of the reasons for not certifying and an alternative educational services description which the Hopi Board of Education will certify. A period of 30 days shall be allowed in which to appeal in the manner provided in Sections 8.3 and 8.4 above, after modification. In the event that the local school board does not appeal, the alternative educational services description becomes the certified educational services designation of that school board.

10.4 Modification of educational services designation.

Modification of educational services designation shall be effected through the procedure outline in 10.1 - 10.3 above.

SECTION 11: ESTABLISHMENT OF NEW SCHOOLS, MERGER OF EXISTING SCHOOLS

11.1 Establishment of new schools.

The Hopi Board of Education, when petitioned by not less than 10% of qualified voters in an affected area shall, or at the board's discretion may, cause the necessary documentation to be developed to determine the feasibility of establishing a new school serving Hopi children.

11.1.A Within 90 days of receipt of the petition or within 60 days of a majority vote of the Hopi Board of Education supporting the establishing of a new school the Hopi Board of Education shall submit the questions of establishing a new school to the qualified voters of the affected area.

11.1.B The ballot shall include a summary of the question, a description of the educational services to be offered and a brief summary of how the school will be operated and funded.

11.1.C A majority vote in favor of establishing a new school shall also authorize the appointment of a local interim school board by the Hopi Board of Education. This interim school board shall be charged with planning and development responsibilities related to the establishment of the new school. The interim school board shall meet certification requirements as prescribed in Sections 7, 8, 9, 10 and all on or before November 1, following but not less than one year following majority approval of the new school.

11.2 Merger of Existing Schools:

11.2.A When 10% of the qualified electors in adjoining school attendance areas wish to affect a merger of schools serving their attendance areas, they may present a petition to their local school boards who in turn, shall approach the Hopi Board of Education setting forth the reasons for the merger. The Hopi Board of Education shall submit the question of the merger to the qualified electors of the affected attendance areas in the same manner as in Section 11.1.A - 11.1.C above. A majority of voters in each attendance area must approve the merger: If so approved, the merger shall become effective July 1, next, following the election.

11.2.B The Hopi Board of Education may also, at its own discretion, cause a plan to be developed for the merger of schools or school programs. Such a plan would have to be submitted to the qualified voters in the manner prescribed in Sections 11.1.B, 11.1.C and 11.2.A.

SECTION 12: SPECIAL PROVISIONS

12.1 Provisions for School Boards operating with Federal Funds under the provisions of P.L. 93-638.

12.1.A Policy - It shall be the policy of the Hopi Board of Education to insure that self-determination be initiated to the greatest extent possible and be exercised to the greatest extent possible at the local school board level.

12.1.B Any local school board shall be eligible to contract as a tribal organization directly with the Bureau of Indian Affairs and other federal, state, local, tribal and private agencies under the authority of P.L. 93-638 or other federal statutes, provided that local school board has obtained certification in the manner prescribed in this ordinance. All existing local school boards operating on the Hopi Reservation under the terms of an existing resolution of the Hopi Tribal Council may continue to do so provided that within one calendar year after the first election authorized by this ordinance that local school board has come into compliance with the certification requirements of this ordinance.

12.2 Provisions for school boards organized as District Boards of Trustees under Arizona Revised Statutes - Title 15.

12.2.A The Hopi Board of Education shall be the authorized body to which local education agencies operating educational programs

on reservation land and serving Hopi students shall be required to submit their policies and procedures for utilization of Federal Impact Aid Funds as required by 20 USC 240 (P.L. 95-561, 92 STAT 2313-2315) for review and approval.

12.2.B A minimum condition of approval of the federal impact aid plan shall be compliance on the part of the submitting district to the applicable provisions of this ordinance, supported by a tribal resolution.

12.3 Provisions for private schools.

Private schools serving Hopi students may at their option participate in the Hopi Comprehensive Education System through obtaining tribal sanction.

12.3.A To obtain sanction, a private school shall obtain attendance area and educational services designation certification as provided in Section 8.1.A and 8.1.B above, and in lieu of the requirements of Section 8.1.C above, submit to the Hopi Board of Education evidence of sound organizational structure and ability to meet reservation-wide education standards.

12.3.B Entitlements of Sanctioned Schools: Sanctioned Schools shall be entitled to full voting representation on the Hopi Board of Education; deemed eligible for participation on Hopi Tribal educational programs subject to program guidelines; and shall participate in Hopi Board of Education reservation-wide educational assessment programs.

SECTION 13: PRIOR ORDINANCES AND RESOLUTIONS

This code supercedes and replaces any resolutions or ordinances which are in conflict with this code.

SECTION 14: SEVERABILITY

If any portion of this code shall be ruled invalid by the Hopi Tribal Court, Federal Courts, or courts of competent jurisdiction, that portion shall cease to be operative but the remainder of this code shall continue in full force and effect.

SECTION 15: AMENDMENTS

This Hopi Education Ordinance may be amended by the Hopi Tribal Council upon recommendation of the Hopi Education Committee. Action must be taken by a resolution of the Hopi Tribal Council and is subject to confirmation by the Secretary of the Interior. One year after adoption, full review of the ordinance shall be made by the Hopi Board of Education, Hopi Tribal Education Department and Branch of Education, Hopi Agency; sixty days prior to review comments will be solicited on the ordinance from local school boards and communities for consideration. After complete review of the ordinance, any recommendations for changes will be made to be submitted for consideration by the Secretary. Thereafter, complete review of the ordinance will be made bi-annually by the named parties above.

SECTION 16: EFFECTIVE DATE OF THE ORDINANCE

This ordinance shall be effective upon its approval by the Secretary of the Interior or his authorized representative.

HOPI TRIBAL COUNCIL
RESOLUTION
H-115-95

WHEREAS, the Hopi Tribal Council through Resolution H-31-81 adopted Ordinance No. 36, the Hopi Education Ordinance, to "establish the framework for cooperative and mutually beneficial association of all educational entities located on the Hopi Indian Reservation and serving Hopi people"; and

WHEREAS, Ordinance No. 36 established the Hopi Board of Education as the policy-making body for the Hopi Comprehensive Education System; and

WHEREAS, the Hopi Board of Education was not delegated the authority to hire its own staff of employees to assist the Board in carrying out its duties; and

WHEREAS, the Tribal Council recognizes that the need exists to provide the Hopi Board of Education with a permanent staff.

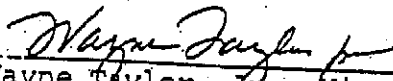
NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council amends Ordinance No. 36, the Hopi Education Ordinance, by adding to Section 6.3 a new subsection 6.3.Q which will read as follows:

"6.3.Q Employ a permanent staff as necessary to carry out the purposes of this Ordinance, subject to the availability of funds. The employment of the staff is subject to the requirements of the Hopi Tribe's Personnel Policies and Procedures, until such time the Hopi Board of Education develops and implements its own Policies and Procedures."

HOPI TRIBAL COUNCIL
RESOLUTION
H-115-95


C E R T I F I C A T I O N

The foregoing resolution was duly adopted by the Hopi Tribal Council on September 27, 1995, at a meeting at which a quorum was present with a vote of 8 in favor, 0 opposed, 2 abstaining (Vice Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by SECTION 1 (a) of ARTICLE VI-POWERS OF THE TRIBAL COUNCIL of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of the Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.



Wayne Taylor, Jr., Vice Chairman
Hopi Tribal Council

ATTEST:



Mary A. Feltzer, Tribal Secretary
Hopi Tribal-Council

HOPI TRIBAL COUNCIL
RESOLUTION
H-100-2002

WHEREAS, the Congress of the United States has recognized the right of a tribal governing body to authorize bureau-funded schools to receive funding to enable them to provide transportation to and from school for any student living outside of the approved attendance area of the school by enacting Title X, Part B, Section 1124 (d) (2) of Public Law 107-110, the No Child Left Behind Act of 2001.

NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council hereby supports the rights of parents to choose the bureau-funded schools their children will attend, regardless of established attendance boundaries; and

BE IT FURTHER RESOLVED that students residing within the attendance area should be given enrollment priority.

BE IT FURTHER RESOLVED the Hopi Tribal Council is making it known to all school administrators and their governing boards that providing quality education will be key to maintaining their students in their schools and therefore maintaining the community school concept intact.

BE IT FURTHER RESOLVED that the Hopi Tribal Council is directing the Hopi Agency, Office of Indian Education Programs, school administrators and the local governing school boards will work cooperatively to develop and implement a standardized curriculum based on the Arizona State Standards across all bureau funded schools on the Hopi reservation by 2005.

BE IT FURTHER RESOLVED that the open enrollment and transportation funding approved in this resolution will apply to students K-8 without limitations.

HOPI TRIBAL COUNCIL
RESOLUTION
H-100-2002

WHEREAS, the Hopi Tribal Council is authorized to act for and on behalf of the Hopi people in matters pertaining to education and general welfare, Constitution and By-Laws of the Hopi Tribe, ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a); and

WHEREAS, the parents as the child's first teachers are charged with the responsibility for making critical decisions about the education, social and intellectual development of the child; and

WHEREAS, the Congress of the United States has recognized the authority of tribal governments' to adopt a tribal resolution allowing parents to choose the bureau funded school their children will attend, regardless of the established attendance boundaries, by enacting Title X, Part B, Section 1124 (c) (3) of Public Law 107-110, the No Child Left Behind Act of 2001; and

WHEREAS, the Hopi Tribal Council strongly supports the principle that parents should have the right to make decisions concerning the education of their children, including the right to enroll them in the school of their choice based on their perceptions of what is in the children's best interest; and

WHEREAS, the BIA, Office of Indian Education Programs, does not currently allow schools to receive pupil transportation funding for bus route mileage outside of the school's approved attendance boundary, even if attendance boundary, waivers have been approved; and

HOPI TRIBAL COUNCIL
RESOLUTION
H-100-2002

BE IT FURTHER RESOLVED that the Hopi Tribal Council hereby authorizes the Bureau of Indian Affairs to provide funding for Bureau-funded schools to enable them to provide transportation to and from school for any student living outside the approved attendance area of the school up to no more than twenty (20) miles from the school to the point of pick-up.

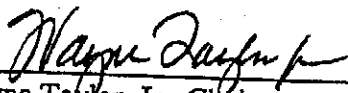
BE IT FURTHER RESOLVED that the governing boards of all local schools in cooperation shall develop and implement an open enrollment policy that complies with applicable BIA Education Space Guidelines and/or class size limitations established by the school of attendance.

BE IT FINALLY RESOLVED that the foregoing resolved enactments shall be effective for 2002-2003 school year and shall thereafter remain in effect unless rescinded by the Hopi Tribal Council.

HOPI TRIBAL COUNCIL
RESOLUTION
H-100-2002


CERTIFICATION

The Hopi Tribal Council duly adopted the foregoing resolution on August 6, 2002, at a meeting at which a quorum was present with a vote of 16 in favor, 0 opposed, 1 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.



Wayne Taylor, Jr., Chairman
Hopi Tribal Council

ATTEST:



Mary A. Felter, Tribal Secretary
Hopi Tribal Council

x-tra copy

JUN 20 2003

THE HUPI TRIBES
CHAIRMAN'S OFFICE

PARENTAL CHOICE OF SCHOOLS

Open Enrollment Policy

Pursuant to Hopi Tribal Council Resolution H-100-2002, the following policy and procedures serve to implement the Open Enrollment Policy for all BIA-funded schools on the Hopi Reservation.

SCHOOL ADMISSIONS

Notwithstanding school attendance boundaries established pursuant to P.L. 95-561, as amended, Hopi Tribal Council Resolution H-100-2002 allows parents on the Hopi Reservation to enroll their children in the BIA-funded school of their choice provided that (1) the affected out-of-boundary school has the space capacity to accept those children, (2) the travel distance from the school to the pick up point for the out-of-boundary student is within the guidelines promulgated herein, and (3) certain other qualifying factors delineated below are met. Attendance Boundary Waivers shall not be required.

Each local governing board shall have the discretion to delegate authority to the respective local school administrator to approve, or disapprove, out-of-boundary enrollment requests on a case-by-case basis. Each local governing board, or designee, shall exercise due diligence to ensure the equitable and consistent application of this policy.

In general, students with disabilities will be accepted on the same basis as all other out-of-boundary students except that transportation, within the established guidelines, shall be provided if the student's IEP specifies that transportation is necessary for the fulfillment of the approved program.

Recognizing that changing schools is disruptive to the student's academic progress, a request for a second transfer during the school year will be denied unless the administrators of the affected schools agree that such action would be in the best interest of the student.

Decisions made by the local school administrator pertaining to out-of-boundary enrollment requests may be appealed to the respective governing board. The local governing board shall have the final authority in making a determination.

Upon proper notification of an out-of-boundary transfer, the in-boundary school shall forward the student's cumulative folder, attendance records, and discipline files to the out-of-boundary school.

ADMISSION STANDARDS

A student who has been expelled by any school or who is not in compliance with a condition of a disciplinary action imposed by any other school or with a condition imposed by the juvenile court shall not be admitted. Acceptance for enrollment may be revoked upon discovery of the existence of any of these conditions.

OPTIONAL FORM 08 (7-90)

FAX TRANSMITTAL

of pages **4**

To <i>Reanna</i>	From <i>DT</i>
Dept./Agency	Phone #
Fax #	Fax #

received
HHS-8/27/03-50

As a condition of approval of an out-of-boundary transfer, the parent/guardian and the student must agree to abide by the rules, standards, and policies of the recipient school. Out-of-boundary enrollment is subject to revocation if the terms and conditions of all applicable rules, standards, and policies are not adhered to.

ENROLLMENT PRIORITY

Enrollment priority shall be given to those students residing within the attendance area of the respective school so long as that right is exercised prior to the first day of the Open Enrollment Period.

The Open Enrollment Period is defined as the period that begins two full weeks preceding the week of the first day of school and ends the day before the first day of the week preceding the ISEP count week.

Priority for enrollment at each BIA-funded school shall be as follows in the order of descending preference:

1. Eligible students residing within the established attendance boundary of the school. Enrollment applications for new in-boundary students must be received by the school prior to the Open Enrollment Period. Continuing in-boundary students must notify the school of their intent to continue enrollment prior to the Open Enrollment Period. The affected school shall determine the method by which such intent is declared.
2. Eligible out-of-boundary students who were enrolled at the school the previous year and any eligible siblings (if all other qualifying conditions are met). Continuing out-of-boundary students must notify the school of their intent to continue enrollment prior to the Open Enrollment Period. The affected school shall determine the method by which such intent is declared.
3. All other eligible out-of-boundary students (if all qualifying conditions are met). Enrollment applications for new out-of-boundary students may be submitted at any time and shall be date-stamped upon receipt by the school. For the purposes of this policy, a former out-of-boundary student who subsequently attended another school shall be considered a new out-of-boundary student.

Selections for out-of-boundary enrollment will ^{be} made during the Open Enrollment Period on a first-come-first-served basis so long as space capacity and transportation limits are not exceeded. If the number of applications for out-of-boundary enrollment exceeds the number of spaces available after applying the first-come-first-served selection procedure, an equitable process (e.g., lottery or drawing) will be used to make the selection(s).

Out-of-boundary transfers must be completed during the Open Enrollment Period unless the administrators of the affected schools agree that such action would be in the best interest of the student.

CONTINUING ENROLLMENT CRITERIA

Each local governing board, or designee, shall have the discretion of establishing continuing enrollment criteria applicable to all students that may include, but are not limited to, the following:

1. Policies and procedures regarding class assignments and homework.
2. Policies and procedures regarding student conduct.
3. Policies and expectations regarding attendance and tardiness.

TRANSPORTATION

A school may provide transportation to and from the school for any out-of-boundary student enrolled at the school so long as the travel distance from the school to the pick-up point does not exceed twenty miles. The local school governing board shall have the authority to establish bus routes that are in the best interest of the school. In establishing such routes, factors such as safety concerns, bus capacity, number of students affected, school schedules, bus schedules, cost effectiveness, travel distance, travel time, and road conditions may be considered. Accordingly, local governing boards may establish limits for bus routes that are less than twenty miles from the school to pick-up points.

Each local governing board shall have the discretion to delegate authority to the respective local school administrator to establish daily bus routes. Each local governing board, or designee, shall exercise due diligence to ensure the equitable and consistent application of this policy.

Decisions made by the local school administrator pertaining to transportation and bus routes may be appealed to the respective governing board. The local governing board shall have the final authority in making a determination.

ENROLLMENT SPACE CAPACITY

The general standards for determining the number of students assigned to a particular classroom are based on the BIA Education Space Guidelines and 25 CFR 36.11. Accordingly, the following guidelines shall serve to inform decisions regarding enrollment levels:

Grade Level	Student-Teacher Ratio
K	20:1
1-3	22:1
4-12	25:1

Notwithstanding the above guidelines, the local governing board shall have the authority to establish specific classroom enrollment limits based on a consideration of teaching philosophies;

teaching methodologies; education program needs; classroom size, shape, and configuration; special classroom features; special needs for students with disabilities; the findings of current educational research; and other relevant factors.

Each local governing board shall have the discretion to delegate authority to the respective local school administrator to establish specific classroom enrollment limits. Each local governing board, or designee, shall exercise due diligence to ensure the equitable and consistent application of this policy.

Decisions made by the local school administrator pertaining to specific classroom enrollment limits may be appealed to the respective governing board. The local governing board shall have the final authority in making a determination.