

## Title 11

### EDUCATION

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## CHAPTER 1. GENERAL PROVISIONS

### 11.101. Title.

This title is the Education Code of the Gila River Indian Community (“Community”) and it may be cited as the “Education Code.”

### 11.102. Authority.

A. The Gila River Indian Community has enacted this ordinance under its inherent legislative, adjudicative, and regulatory authority pursuant to the express delegation of authority by Congress under the Indian Reorganization Act (25 U.S.C. §§ 461 *et seq.*), which provides the Community the authority to organize and adopt the Gila River Indian Community Constitution and Bylaws (March 17, 1960) and to enact Ordinances governing conduct within the exterior boundaries of the Gila River Indian Reservation (25 U.S.C. § 476); and

In exercising its authority over education on the Gila River Indian Community Reservation, the Community does not sanction or bring about any abrogation of the rights of the Community or the members of the Community based on the trust responsibility of the federal government, nor does it diminish the obligation of the federal government or of the state or local political subdivision of the state, including, but not limited to, the obligation to provide a non-discriminatory public education.

B. It is the intent of the Community to exercise its authority over any non-Indians under this title to the maximum extent permitted under federal law and Supreme Court and federal court decisions defining the regulatory authority of Indian tribes over activities which occur on trust lands or conduct which threatens the political integrity, economic security, health or welfare of the tribe, including *Montana v. United States*, 450 U.S. 544 (1980) and *Water Wheel Camp Recreational Area, Inc. v. LaRance*, 642 F.3d 802 (9th Cir. 2011).

C. The laws and ordinances of the Community, including this title, apply to all schools within the exterior boundaries of the Reservation to the maximum extent permitted under applicable law.

### 11.103. Intent and Purpose.

- A. It is the intent and purpose of this title to:
1. Establish Community expectations and standards relative to all matters pertaining to education within the boundaries of the Community, including Community vision, mission and annual measurable objectives for all education programs within the Community; and to establish expectations for collaboration among all schools within the Reservation;
  2. Support educational programs and resources that nourish and promote holistic growth and development for all the Community’s children; and provide the tools

and resources necessary to make education within the Community a positive and enriching school experience preparing them to become productive, successful Community members for life.

3. Establish GRIC Tribal curriculum objectives based on Community views that are aligned with both Akimel O’otham and Pee Posh cultures and Common Core standards.

B. It is hereby declared to be the policy of the Community that:

1. The Community Council shall provide education to benefit the Community and its members. The most valuable resources of the Community are its Community members and homeland. To preserve, protect, and perpetuate the human resources and culture of the Akimel O’otham and Pee Posh within the exterior boundaries of the Gila River Indian Reservation, the Community Council will be actively involved with all educational endeavors within the Gila River Indian Community.
2. Education must be effective and relevant to the Community. Effective, appropriate and relevant formal education within the Community includes, but is not limited to:
  - a. Academic excellence and high but realistic expectations for all students.
  - b. Positive growth in all basic academic and cognitive skills.
  - c. Competence in the Akimel O’otham or Pee Posh language and knowledge of Akimel O’otham and Pee Posh culture, government, economics, and environment.
  - d. Developed knowledge of the history of the Community and the historic roles of Community members in promoting the future of the Community.
  - e. Development of students as healthy individuals, members of families and communities, parents, members of the Community, and citizens of the state and nation.
  - f. Development of self-discipline and positive self-worth, and respect for all other living beings.
  - g. Development of a healthy and positive attitude which encourages life-long learning; positive decision making; undertaking of responsibilities in family life, and appreciation of the environment.

- h. Parental, family, and community involvement in the formal education process whereby the educational aspirations and cultural values of parents, family and Community members are promoted and respected.
- 3. Education shall prepare students to perpetuate the Community. Curriculum, education standards, educational policies and programs, developed, implemented, or regulated under this title shall help prepare students to assume their responsibilities to perpetuate the Community, its resources, and its culture; and
- 4. The ultimate education goal of the Community is self-determination consistent with its heritage.

#### **11.104. Definitions.**

- A. In this title, unless the context or subject matter otherwise requires:
  - 1. *Alcohol, nicotine or tobacco, and drugs* means any substance which may alter the senses, including alcoholic drinks, nicotine, tobacco and tobacco related products, drugs regulated by or controlled under federal or Community law, and other substances which may result in temporary or permanent loss or diminution in judgment, perception, or coordination.
  - 2. *Biometric information* means the noninvasive electronic measurement and evaluation of any physical characteristics that are attributable to a single person, including fingerprint characteristics, eye characteristics, hand characteristics, vocal characteristics, facial characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty.
  - 3. *Community* means the Gila River Indian Community and includes the people as a distinct cultural, ethnic, geographical, and political entity.
  - 4. *Community Constitution* or *Constitution* means the Constitution of the Gila River Indian Community.
  - 5. *Community Council* means the legislative branch of the Gila River Indian Community as established in the Constitution and Bylaws of the Gila River Indian Community (1960).
  - 6. *Curriculum* means a complete course of study for content areas or grade levels, including any supplemental materials required by the curriculum designed to align with Community, federal, and state standards.
  - 7. *Director* means the Director of the Community's Tribal Education Department.

8. *Education Standing Committee* (“ESC”) means the Education Standing Committee of the Community Council.
9. *Governing body of other educational institution* is the authorized body with general charge, direction, and management of the institution and control and care of all property used by or belonging to it, as provided and limited by its charter, incorporation, or law.
10. *Other Educational Institution* is any school, other than a tribally controlled school, located in the Community and providing instruction for grade levels pre-school through 12, or any combination of said levels, including but not limited to state public schools, parochial schools, private schools, and state chartered schools.
11. *Parent* means anyone who is a parent or legal guardian of a student.
12. *Qualified voter*, for the purposes of school board elections, means any Community member, 18 years of age or older, living within the attendance boundaries of a tribally controlled school, and any parent whose child is enrolled at the tribally controlled school.
13. *Reservation* means the area within the exterior boundaries of the Gila River Indian Reservation, any land outside such boundaries held in trust for the Community or any of its members by the United States, and any other land constituting “Indian country” of the Community within the meaning of 18 U.S.C. § 1151 or any successor provision.
14. *School* means a place, institution, or process for formal teaching and learning.
15. *School Board* is the governing body authorized to develop, maintain, and administer a school.
16. *Student* means anyone who is officially enrolled in any school located within the Reservation.
17. *Tribal Allocation Program* (“TAP”) means the Community’s program that allocates funds to schools within the Reservation.
18. *Tribal Education Department* (“TED”) means the Community’s Tribal Education Department.
19. *Tribally controlled school* means a school operated under the Tribally Controlled Schools Act of 1988, 25 U.S.C. § 2501 *et seq.*, which offers early childhood programs or instruction for grade levels kindergarten through 12, or combination of said levels, that has received a charter of incorporation issued by

the Community Council and is located within the exterior boundaries of the Gila River Indian Reservation.

#### **11.105. Rules, Regulations, and Procedures.**

A. The Director is authorized to establish reasonable rules, regulations, and procedures necessary for the efficient enforcement and administration of this title. Such rules, regulations, and procedures shall be established in accordance with the policies and standards enumerated throughout this title. When approved by the Community Council, such rules, regulations, and procedures shall be binding upon all persons subject to this title.

B. A copy of all rules, regulations, and procedures shall be provided to any person subject to this title upon request made to the Community Council Secretary's Office.

C. Prior to the approval of such rules, regulations, and procedures by the Community Council, at least one hearing shall be held for all interested parties to review and comment on the substance of the rules, regulations, and procedures. Reasonable notice shall be made available to all interested parties as to the time and place of the hearing(s), at least 20 calendar days prior to the hearing(s), and shall include a copy of all rules, regulations, and procedures that are the subject of the hearing.

D. The authority authorized by this section does not modify or supersede emergency Executive Orders issued by the Governor of the Gila River Indian Community.

E. For the purposes of Section 11.105, the term "persons" shall include any school located within the Reservation.

#### **11.106. Severability.**

If any provision(s) of this title or any application of a provision of this title is held invalid, the application of the remaining provisions of this title shall not be affected thereby.

#### **11.107. Sovereign Immunity.**

Nothing contained in this title waives the Community's or any tribally controlled school's sovereign immunity from suit.



## **CHAPTER 2. AUTHORITY, DUTIES, AND RESPONSIBILITIES OF THE COMMUNITY COUNCIL, THE EDUCATION STANDING COMMITTEE, AND THE TRIBAL EDUCATION DEPARTMENT**

### **11.201. Community Council.**

A. The Community Council is the governing and policy-determining body for the Community, and as such the Community Council shall:

1. Receive regular reporting by the TED. The Community Council shall require and review regular reporting by the TED regarding the condition, needs, and progress of education in the Community. Such reporting shall include, but not be limited to, an annual education report as provided in this title; and
2. Periodically review the state of education and education legislation to consider the condition, needs, and progress of education within the Community and recommend the enactment or amendment of such additional legislation or changes in existing legislation as may be deemed desirable or necessary.
3. The Council shall act as a liaison between the Community and state, local and federal governments on education matters. Nothing herein precludes schools from having direct communications with state, local, and federal governments on education matters.

### **11.202. Education Standing Committee.**

A. The Education Standing Committee is delegated authority by the Community Council, pursuant to Resolution GR-22-12 and any successor provision thereto, including but not limited to the following authority:

1. Provide guidance, recommendations, and assistance on policy formulations to the TED and schools;
2. Review and make recommendations to the Community Council regarding educational proposals presented by the TED, tribally controlled schools, and other education institutions;
3. Review and make recommendations to the Community Council and Executive Office regarding all proposals by any federal or state programs affecting education in the Community;
4. In collaboration with the Executive Office, the TED, and Community departments and programs, review the progress made regarding education programs and matters relating to the education of members of the Community;

5. Review the progress of schools and submit information, including full financial information, to Community Council regarding Tribal Allocations;
6. Review and make recommendations to Community Council regarding scholarship allocations; and
7. Other duties relating to the education of members of the Community and other American Indians/Alaska Natives as mandated through ordinance, resolution, or as directed by the Community Council.

#### **11.203. Tribal Education Department.**

- A. The TED shall:
  1. Propose to the Community Council a tribal curriculum and education standards in accordance with this title, which do not conflict with other applicable standards or any applicable federal requirements;
  2. Propose to the Community Council tribal educational policies and programs as specified in, and in accordance with, this title;
  3. Establish a uniform system for the gathering, compiling, and reporting of educational data from schools, Community departments and programs, and the state and federal governments.
    - a. The TED shall specify the format and timeline for the reporting of educational data and shall ensure that any information it gathers and the mechanisms by which it does so comply with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (“FERPA”) and any other federal, state, and tribal laws and regulations pertaining to confidentiality, privacy and security of such information.
    - b. The TED shall use the data to evaluate and ensure compliance with this title, and to improve generally the condition, needs, and progress of education in the Community;
  4. Provide quarterly reports to the ESC and an annual education report to the Community Council detailing the condition, needs, current progress, and challenges of education in the Community, including recommendations regarding needed action. The applicable portions of the report shall be provided to the school board or governing body of the tribally controlled school or other educational institution to which the data pertains at least fourteen (14) calendar days prior to being reported to the ESC or Community Council;
  5. Regularly evaluate school compliance with meeting the approved Community education standards, and annually report its findings and recommendations

regarding compliance with such standards to the Community Council. The applicable portions of the report shall be provided to the school board or governing body of the tribally controlled school or other educational institution to which the data pertains at least fourteen (14) calendar days prior to being reported to the Community Council;

6. Regularly communicate with school boards and governing bodies of all schools located within the Reservation regarding the provisions of this title;
7. Develop culture and language teacher certification requirements;
8. Develop accredited tribal recertification courses for educators under Section 11.602;
9. Coordinate resource/information-sharing between schools and relevant Community departments, including but not limited to resources to address domestic violence, drugs, alcohol, bullying and suicide prevention; and
10. Provide the opportunity for meaningful consultation at least annually with schools regarding the implementation of the TED's responsibilities under this title.

#### **11.204. Tribal Education Department Director.**

- A. Powers and Duties. The TED Director shall:
  1. Ensure the TED complies with its responsibilities under Section 11.203, including providing reports to the Education Standing Committee and Community Council;
  2. Seek and promote collaborative efforts among all available resources, including schools and school boards/governing bodies, to effectively implement this title and to improve the condition, needs, and progress of education in the Community; and
  3. Seek grants and funding for education programs and services, including funding and grants for research, planning, and evaluation of education services.

### **CHAPTER 3. TRIBAL EDUCATION OBJECTIVES, STANDARDS, PROGRAMS, AND SERVICES**

#### **11.301. Education Objectives.**

- A. An appropriate education for Community members is one that fosters:

1. The formulation of age, grade and/or developmentally appropriate competencies in all basic areas of academic and cognitive skills;
2. Competence in current education standards;
3. Competence in Akimel O’otham and Pee Posh language skills and knowledge of the Akimel O’otham and Pee Posh cultures;
4. The development of Community and United States citizenship;
5. Self-identity and self-efficacy;
6. Preparation for lifetime responsibilities in the areas of employment, family life, public service, and recreation;
7. An attitude toward education which encourages lifetime learning; and
8. Encouragement to pursue and successfully complete primary, secondary, and post-secondary education.

**11.302. Education Standards for Tribally Controlled Schools, Other Educational Institutions and Those Schools Receiving TAP Funds.**

- A. In developing Community education standards, the TED shall:
  1. Review schools’ current education standards regarding:
    - a. Attainment of academic excellence and high, but realistic expectations for all students;
    - b. Competence in all basic academic and cognitive skills; and
    - c. Competence in Akimel O’otham or Pee Posh language and knowledge of Akimel O’otham and Pee Posh culture, government, economics, and environment; knowledge of the history of the Akimel O’otham and Pee Posh and the role of Community members in promoting the future of the Community.
  2. Provide the opportunity for meaningful consultation with educators, parents, school boards, members of the Community, and other stakeholders annually.
  3. Submit draft tribal education standards to the Community Council.
- B. All tribally controlled schools and other educational institutions must meet the tribal education standards as established by Community Council. All tribally controlled schools shall annually report compliance with the tribal education standards to the TED.

C. The Community's education standards do not prohibit or limit schools from exceeding such standards.

**11.303. Educational and Prevention Programs to Address Domestic Violence, Drugs, Alcohol, Bullying, and Suicide Prevention.**

A. All schools located within the Reservation shall develop and implement alcohol, nicotine and/or tobacco, and drug policies and prevention programs through their respective school boards. In developing such policies, schools may make use of Community resources and departments, as appropriate.

B. All schools located within the Reservation shall develop and implement suicide prevention programs through their respective school boards. In developing such policies, schools may make use of Community resources and departments, as appropriate.

C. All schools located within the Reservation shall annually report their alcohol, nicotine and/or tobacco, and drug abuse policies and prevention programs; their anti-bullying policies and prevention programs; and their suicide prevention programs to the ESC and Community Council, and shall provide a copy of this annual report to the TED. The report shall include statistical information and a description of the efforts and activities utilized by the schools in these prevention areas.

D. All schools located within the Reservation shall develop and implement anti-bullying policies and prevention programs, including domestic violence awareness, through their respective school boards. In developing such policies, schools may make use of Community resources and departments, as appropriate. School policies shall include the following components:

1. A procedure for students, parents and school employees to confidentially report incidents to school officials.
2. A requirement that school employees report in writing suspected incidents to the appropriate school official and a description of appropriate disciplinary procedures for employees who fail to report suspected incidents that are known to the employee.
3. A requirement that, at the beginning of each school year, school officials provide all students with a written copy of the rights, protections and support services available to a student who is an alleged victim of an incident.
4. If an incident is reported, a requirement that school officials provide a student who is an alleged victim of the incident with a written copy of the rights, protections and support services available to that student.
5. A formal process for the documentation of reported incidents and for the confidentiality, maintenance and disposition of this documentation.

6. A formal process for the investigation by the appropriate school officials of suspected incidents, including procedures for notifying the alleged victim on completion and disposition of the investigation.
7. Disciplinary procedures for students who have admitted or been found to have committed incidents of student violence, bullying, cyberbullying, intimidation or harassment.
8. A procedure that sets forth consequences for submitting false reports of incidents.
9. Procedures designed to protect the health and safety of students who are physically harmed as the result of incidents of student violence, bullying, cyberbullying, intimidation and harassment, including, if appropriate, procedures to contact emergency medical services or law enforcement agencies, or both.
10. Procedures for the dissemination of information and providing instruction to students, parents and guardians, school employees, and school volunteers as provided at Section 11.1506.

#### **11.304. Parental Involvement.**

A. The TED shall provide annual programs, conferences, and/or training for parents and Community members in priority education areas, and in advocating for the education of their children.

B. The governing body of an other educational institution shall adopt a policy promoting family involvement in the educational process. Each governing body shall provide a copy of its parental involvement policy to the TED.

C. Each school board of a tribally controlled school shall adopt a policy promoting parental involvement in the educational process, for the following parental educational rights:

1. A plan for parent participation which is designed to improve parent and teacher cooperation in such areas as homework, attendance, and discipline;
2. Procedures by which parent(s) may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials;
3. Procedures by which parent(s) who object to any learning material or activity on the basis that it is harmful, may withdraw their children from the activity or from the class or program in which the material is used;

- a. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality, or religion;
4. Procedures to prohibit a school from providing a formal course of sex education instruction to a student unless the student's parent provides written permission for the child to participate in the sex education curricula;
5. Procedures by which parent(s) will be provided advance notification of, and given the opportunity to withdraw their children from, any instruction or presentation regarding human sexuality in a course other than formal sex education;
6. Procedures by which parent(s) may learn about the nature and purpose of clubs and activities that are part of the school's formal curricula, and any extracurricular clubs and activities that have been approved by the school;
7. Procedures by which parent(s) may learn about parental rights and responsibilities, including the following:
  - a. The right to opt out of immunizations.
  - b. Promotion requirements.
  - c. The minimum course of study and competency requirements for graduation from high school and/or promotion to the next grade.
  - d. The right to participate in gifted programs.
  - e. The right to access and review instructional materials and activities.
  - f. The right to receive a school report card, if one is issued.
  - g. Attendance requirements.
  - h. The right to public review of courses of study.
  - i. The right to be excused from school attendance for religious purposes.
  - j. Policies related to parental involvement pursuant to this title.
  - k. The right to seek membership on school boards or governing bodies.
  - l. The right to participate in an annual parental satisfaction survey.
  - m. Information about the student accountability information system or other student information system that a school may employ.

- n. The right to review test results.
  - o. The right to object to materials that pertain to sex, morality, or religion.
8. A school may require that any request to review learning materials or activities or to withdraw the student from learning materials or activities pursuant to section 11.304.C.7. shall be made in writing.
- a. The school shall ensure that the student who refrains from a particular lesson does not miss out on the standard of instruction.

#### **11.305. Truancy Report.**

A. The TED shall, in cooperation and collaboration with any relevant Community departments (including Office of the Prosecutor, Community Court, Tribal Social Services, the Gila River Police Department) and schools located within the Reservation, submit a report annually to the ESC regarding truancy in the Community, to be coordinated and presented by the TED Director. The report shall be submitted no later than the first day of July each year. The scope of the report shall detail truancy within the Community for the preceding school year.

### **CHAPTER 4. STUDENT INFORMATION**

#### **11.401. Biometric Information.**

A. No school located within the Reservation shall collect biometric information from a student without written permission from the student's parent.

B. At least 30 days before a school collects biometric information, it shall provide written notice to parents of its intent to collect biometric information. The notice shall include a statement in eighteen point, bold-faced, capital letters that the parent must give written permission before the school may collect biometric information.

C. Any research, as defined in Section 11.402.D, requiring a school to collect biometric information from one or more students must be approved by the Education Standing Committee and the Research Review Committee at least 30 days before written notice of such collection efforts is provided to parents.

#### **11.402. Student Data.**

A. No individual, entity or school located within the Reservation shall disseminate or publish any personally identifying information regarding students to any individual, agency, organization, or corporation in violation of applicable tribal or federal laws, including FERPA.



B. Nothing in this section shall prevent a school from providing a student, a student's parent, or another school or educational institution with a student's or graduate's academic transcripts, immunization records or other academic records.

C. Nothing in this title affects or modifies the requirements under applicable federal laws, including those under FERPA.

D. Any request to any school for Student Data for purposes of research requires approval from the Community Council; however, if the Community Council has delegated review and approval/disapproval of the subject matter research to a committee then the research is submitted to and approved/disapproved by that committee. For purposes of this section, research means the use of systematic methods to gather and analyze information for the purpose of proving or disproving a hypothesis, evaluating concepts or practices or otherwise adding to knowledge and insight in the field of knowledge, or to demonstrate or investigate theories, techniques, or practices in fields including, but not limited to, the arts, culture, sciences, social sciences, environment, education, sociology, psychology, linguistics, history, and other investigative disciplines or approaches as identified by the Community; including basic and clinical research; behavioral studies; anthropological and archeological studies; Community and cultural based research including interviews, questionnaires, and surveys; feasibility and other studies designed to evaluate or test programmatic techniques or to develop basic data.

## **CHAPTER 5. TRIBAL CURRICULUM AND INSTRUCTION**

### **11.501. Tribal Culture and Language Curriculum.**

A. The TED, in consultation with schools, shall develop tribal culture and language curricula for use in all schools located within the Reservation, provided that such curricula are not effective until reviewed by Community Elders and adopted and approved by the Community Council.

#### **1. Akimel O'otham and Pee Posh Languages.**

The Akimel O'otham and Pee Posh languages are an essential element of the life, culture, and identity of the Community. The Community Council recognizes the importance of preserving and perpetuating the language as necessary for the survival of the Community; therefore, tribal curricula shall include instruction in the Akimel O'otham or Pee Posh language, as appropriate, for all grade levels. Instruction in the Akimel O'otham languages shall follow the official tribal orthography adopted by the Community Council Resolution GR-08-09, as may be amended. At this present time there is not an official Pee Posh orthography.

#### **2. Akimel O'otham and Pee Posh Cultures.**

The Community as a unique group of people, growing and developing within American society, requires that members of the Community, and non-members who reside and/or work among the Community, possess a knowledge, understanding and respect for Akimel O'otham and Pee Posh culture. Tribal curricula, for all grade levels and age groups, shall include lessons addressing the Akimel O'otham and Pee Posh culture.

B. The Community's Tribal Culture and Language curricula shall include:

1. Tribal government and inter-governmental relationships.

The curricula, for all grade levels and age appropriate groups, shall include lessons that introduce tribal governance structures spanning the history of the tribe up to and including the current governing structure. Family, Village, Districts, Executive, Legislative, and Judicial Branches of the Community Tribal Government, Government-to-Government relationships with the State and Federal Governments, the Community's Sovereignty status.

2. Health, Physical and Nutrition Instruction.

The curriculum shall include for all grade levels and age groups, lessons that introduce and develop knowledge and an understanding of Community health and nutrition practices. The lessons will emphasize traditional and modern health and nutritional practices including the identification of herbs, plants, dietary and physical activities. In addition, the lessons will also address health and nutrition related issues common to the Community.

3. Family Structures-Life Skills.

The curriculum shall include, for all grade levels and age groups lessons that introduce Akimel O'otham and Pee Posh family structures, concepts of traditional family life in the Community, cultural practices and life skills of the Community.

4. Industry.

The curriculum shall include, for all grade levels and age groups, lessons that develop an understanding of the historical and modern Community Industry farming and economy.

5. Community Geography.

The curriculum shall include, for all grade levels and age groups, lessons that develop fundamental understanding of the historical, political, socioeconomic, and cultural elements of the Community's land base and natural resources.

6. Social Studies.

The curriculum shall include, for all grade levels and age groups, lessons that develop a fundamental understanding of the Akimel O'otham Himthag.

7. Language Arts.

The curriculum shall include, for all grade levels and age groups, lessons that develop a fundamental understanding of the Akimel O'otham Grammar, Punctuation, Reading and Writing, and Enunciation.

**11.502. Special Education.**

A. All schools within the Reservation shall comply with the Federal Individuals with Disabilities Education Improvement Act (IDEIA), P.L. 108-446, as amended.

B. As part of each school's annual report under Section 11.303, each school shall also provide an update regarding compliance with this section.

## **CHAPTER 6. EDUCATORS AND CREDENTIALS**

**11.601. Educators.**

A. Qualifications. State of Arizona educator certification requirements shall be applicable to all staff, including educators, at all schools located within the Reservation. The staff shall possess and maintain a State of Arizona educator certification if their position would require certification under the laws of Arizona.

**11.602. Native Language Certification.**

A. Pursuant to policy approved by Community Council, Resolutions GR-153-79 and GR-08-09, as may be amended, the Community will support and endorse any Community member who is proficient in the Akimel O'otham language and is seeking a Native Language Teacher Certification by providing a Letter of Proficiency Verification on official Community letterhead as required by Arizona Department of Education policies R7-2-614 and R7-2-607, as may be amended.

B. This certification will be recognized by all schools located within the Reservation boundaries.

C. Teachers certified under this policy will be utilized only within the duties identified within their respective school's approved tribal allocation written plan.

### **11.603. Mandatory Reporters.**

All individuals employed by tribally controlled schools and other educational institutions are subject to and shall be in compliance with GRIC Code § 7.205 (Mandatory Reporters), as amended (Children's Code).

## **CHAPTER 7. SCHOOL ADMINISTRATION, SCHOOL BOARDS AND GOVERNING BODIES.**

### **11.701. Charter to Operate a School Within the Reservation, Articles of Incorporation.**

A. No tribally controlled school or other educational institution offering pre-kindergarten through grade 12, or any part of that span, shall accept or enroll students without a charter approved by the Community Council. A charter shall contain the following:

1. A description of the attendance boundaries of the school;
2. A description of how the school is governed. If the school is governed by a publicly elected school board or governing body, the charter shall include the following:
  - a. Assurances that financial management systems satisfy all applicable federal and state requirements as expressed in OMB circulars, cost principles, and any other applicable administrative control of funding limitations or restrictions which govern the use of public funds applicable to the entity in question;
  - b. Assurances that financial management procedures are applied to private funds awarded to the school and which are intended to benefit the welfare of the school's students;
  - c. Assurances that procedures for verifying that federal or state funds are used for the purposes for which they were appropriated;
  - d. Guarantees that the public has the right to inspect reports, appropriate financial transactions, and any other information of a non-confidential nature;
  - e. A determination of who is eligible to vote in school board or governing body elections;
  - f. A method for registration of eligible voters;

- g. Provisions for fair elections consistent with the Constitution and Bylaws of the Gila River Indian Community (1960);
    - h. Qualifications of school board or governing body members;
    - i. Provisions to recall school board or governing body members for cause.
  - 3. A description of the power and authority of the school board or governing body.
  - 4. A description of the responsibilities and duties of school board or governing body members.
- B. A charter is valid for a period of 50 years. This requirement is in addition to any requirement under Title 13, Business Licenses, as amended.
  - 1. Charters will be reviewed at 5-year intervals to ensure performance and compliance and may be revoked for failing to meet or make sufficient progress towards academic performance and/or operational performance expectations as indicated in the approving charter, and/or financial operation expectations as indicated in the approving charter, and/or compliance with any provision of applicable law.
  - 2. At least 60 days prior to the effective date of a proposed revocation, the Community will give written notice to the school of its intent to revoke the charter that includes a statement of reasons for the proposed revocation and will allow the school at least 60 days to correct any problems associated with the reasons for the proposed revocation of the charter.
  - 3. The final decision to revoke a charter shall be made by the Community Council with recommendation from the Education Standing Committee.
- C. Any school in existence at the time of this title's enactment shall have six months from the time of enactment of this title to submit its charter to the Community Council.
- D. Any such school that either fails to submit its charter within the timeframe allotted, or fails to receive approval for its charter within 12 months following the enactment of this title shall not be permitted to accept or enroll students until such time as the charter is approved by the Community Council.
- E. The Community Council, pursuant to the Constitution, may establish tribally controlled schools by approval of articles of incorporation, or any comparable document by which the Community Council establishes a corporation or other organization, and charge that entity with providing for specific educational programs within the Reservation. Such tribally controlled schools shall operate according to their articles of incorporation, bylaws and/or comparable documents, including any amendments. Except as otherwise provided in this title,

nothing in this title shall affect the incorporation of other educational institutions under state law or the obligations of such other educational institutions under state or federal law.

#### **11.702. School Boards and Governing Bodies.**

A. No person shall be a member, or a candidate for membership or directorship, of the school board or governing body of any school located within the Reservation if such person is registered or is required to be registered as a sex offender under GRIC Code Title 8, as amended (Civil Code). Upon a demonstration of proof that any person is in violation of this provision, their membership on the school board or governing body shall be null and void and the school board or governing body shall institute immediate steps to declare a vacancy per its governing documents.

B. All persons serving on a school board or the governing body of any school located within the Reservation shall submit to and pass a background check and fingerprint clearance in accordance with the Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. § 3201 *et seq.* Each school board or governing body of any school located within the Reservation shall provide the TED with a certification that every school board member has passed their respective background check within thirty (30) days of the background check's completion.

C. Any action taken by a school board member or an officer thereof shall be one that would be made by a prudent person seeking a reasonable return on the investment or preservation of his financial resources. Board members shall abide by all applicable laws, rules and regulations.

D. Tribally controlled school boards shall be responsible for the financial, accounting, and auditing transactions of the school board. The board members shall review and approve an annual operating plan and budget, and periodically review and approve a capital expenditure plan that identifies the objectives of, and the anticipated sources of financing for, each proposed capital expenditure.

E. School boards for tribally controlled schools shall develop policies and procedures, which must be reviewed by the school board at least once a year, and provide a copy to the TED when enacted. The policies and procedures shall include the following:

1. Professional and ethical standards for all personnel, including school board members, to ensure a standard of care requiring that any decision of, or action taken by, personnel shall be made with the same degree of care that would be exercised by a reasonably prudent and competent person seeking to preserve the school's financial resources;
2. Employee discipline;
3. Employee grievance procedures;

4. Personnel evaluation methods for all school staff, including administrators;
5. Fiscal and accounting processes;
6. School calendars and hours of operation;
7. In-service training, orientation, and staff development;
8. Parental involvement;
9. Student rights and responsibilities;
10. Policies governing employee benefits, salary structures, and terms of employment for all personnel, including administrators;
11. A policy governing employee and board member travel authorization, expenditure, and reporting;
12. Disaster and safety plans; and
13. School board policy manual.

F. Tribally controlled schools and other educational institutions shall provide to the Community Council, on or before October 1 of each year, an annual report that includes data from the prior school year, including but not limited to:

1. Demographics: basic student and staff data;
2. Attendance: monthly student and staff attendance;
3. Enrollment: student enrollment, transfer, graduation, retention, and drop-out rates (as appropriate);
4. Language: pre- and post-assessment results;
5. Behavior: number and types of incidents reported;
6. Parent and Community involvement: numbers and types of parent and Community activities;
7. Annual accreditation documentation;
8. Annual operating budgets;
9. Facilities: overall condition of school facilities; and

10. Other significant activities which have an impact on education.

G. All Schools within the Reservation boundaries shall in conjunction with the Gila River Police Department, Gila River Fire Department, Community's Office of Emergency Management, and Tribal Education Department, develop an emergency response plan for their school in accordance with minimum standards developed jointly by the Gila River Police Department, Gila River Fire Department, Community's Office of Emergency Management, and Tribal Education Department.

#### **11.703. Tribally Controlled School Board Elections.**

A. Each tribally controlled school shall establish policies and procedures for its school board election process. Such policies and procedures shall include the following:

1. School board membership;
2. School board member term of office;
3. School board member nominating petitions;
4. Election officials;
5. Qualifications of electors;
6. Voter eligibility;
7. Registration of qualified voters;
8. Provisions for fair elections;
9. Notice of election;
10. Ballots;
11. Opening and closing of polls;
12. Tie votes;
13. Election protests;
14. Cost of elections;



15. School board member qualifications;
16. Certification and elections results;
17. Oath of office;
18. Seating of duly elected school board members; and
19. School board member recall provisions.

B. Each tribally controlled school shall submit any revisions to its school board elections process to the district(s) within its attendance boundaries, TED, and ESC, before the first ESC meeting in July.

C. The school board secretary shall submit the election results, including any disqualification of candidates, to the Community Council Secretary's Office in accordance with the Community Council Secretary's policies for placement on the agenda of the ESC within 10 days of the declaration of the results of the election.

D. Any individual duly elected and qualified may seek enforcement of the election results through a writ of mandamus, filed with the Community Court to compel enforcement of the election results.

#### **11.704. Indian Preference.**

All tribally controlled schools and other educational institutions are subject to and shall be in compliance with Title 12, as amended (Labor and Employment).

## **CHAPTER 8. TRIBAL ALLOCATION PROGRAM**

### **11.801. Tribal Allocation.**

A. Any tribally controlled school or other educational institution operating within the Reservation and providing educational services for grades pre-kindergarten through 12 may seek allocation funds from the Community, subject to the requirements of this title. Allocation funds are a grant to the school, not a donation, and should not be considered to be a guaranteed source of annual funding. The amount of funding shall be determined through a formula developed by the ESC and Government & Management Standing Committee.

1. Schools seeking funding shall apply for funds using policies and procedures contained within the Tribal Allocation Policy, as approved by the Community Council.

2. Any school receiving allocation monies shall adhere to all requirements contained within the Tribal Allocation Policy.
- B. The TED shall:
  1. Be responsible for promulgating the Tribal Allocation Policy after meaningful consultation with the schools; provided, that such policy is not effective until adopted and approved by the Community Council or the ESC.
  2. Be responsible for administering the Tribal Allocation Program.
- C. The Community Council shall monitor the expenditure of allocation monies to ensure that allocation monies are used appropriately and in the most effective and efficient manner to meet the educational needs of students.

## **CHAPTER 9. HIGHER EDUCATION PROGRAM**

### **11.901. Postsecondary Financial Assistance.**

- A. Any enrolled Community member may apply to the Community for postsecondary education financial assistance, subject to the requirements of this title.
- B. Subject to the approval of the Community Council, the TED shall develop policies and procedures providing postsecondary education financial assistance to enrolled Community members, which shall provide for the following:
  1. Application;
  2. Eligibility review;
  3. Availability to students on full-time or part-time status;
  4. Allowable costs;
  5. Ineligibility; and
  6. Appeals process.

### **11.902. Vocational Financial Assistance.**

- A. Any enrolled Community member may apply to the Community for postsecondary vocational financial assistance, subject to the requirements of this title.

B. Subject to the approval of the Community Council, the TED shall develop a policy providing postsecondary vocational education financial assistance to enrolled Community members, which shall contain provision for the following:

1. Application;
2. Eligibility review;
3. Availability to students on full-time or part-time status;
4. Allowable costs;
5. Ineligibility; and
6. Appeals process.

## **CHAPTER 10. HEAD START/EARLY HEAD START PROGRAM**

### **11.1001. Administration of Head Start/Early Head Start Program.**

A. The Community Council shall exercise the following responsibilities for any Head Start/Early Head Start program for which the Community serves as agency:

1. Approve all program policies and amendments;
2. Approve all funding applications and amendments thereto submitted to the U.S. Department of Health and Human Services;
3. Establish criteria for the recruitment, selection, and enrollment of children;
4. Establish criteria for the exclusion and readmission of children;
5. Approve Policy Council by-laws and any amendments thereto;
6. Ensure an annual program audit is conducted;
7. Ensure that during the annual self-assessment that the program is carrying out the programmatic and fiscal intent of its grant application, including review of the annual audit and findings from the federal review;
8. Ensure that appropriate internal controls are in place and implemented to safeguard federal and Community funds;

9. Approve written procedures for disclosing, addressing, and resolving complaints, including investigations, when appropriate;
10. Approve written procedures for resolving impasses with the Policy Council; and
11. Responsible for administering and overseeing the program, including the safeguarding of federal funds.

B. The Community Council has legal and financial responsibility for administering all programs funded to the Community by the U.S. Department of Health Services Administration for Children and Families Office of Head Start.

C. The Community Council will oversee practices to ensure active, independent and informed governance of the program, including:

1. Ensure compliance with Federal, State, and Tribal laws and regulations;
2. Ensure compliance with all requirements for Governing Boards as outlined in Head Start Program Performance Standards and the Head Start Act;
3. Delegate agencies and service areas for the program;
4. Establish procedures and criteria for recruitment, selection, and enrollment of children;
5. Review all applications for funding and amendments to the applications;
6. Review and approve all major program policies;
7. Self-assessment, program audits, corrective actions, HR Policies;
8. Review Policy Council make up guidelines;
9. Provide Monthly Reports including counts of meals and snacks from the Department of Agriculture;
10. Receive communication and guidance from the National Office;
11. Compose Program Information Reports;
12. Engage in Communitywide strategic planning efforts by programs funded with Head Start funds; and

13. Participate in the development, planning, and evaluation of the Head Start Program.

## **CHAPTER 11. EARLY EDUCATION – CHILD CARE PROGRAM**

### **11.1101. Administration of Early Education – Child Care Program.**

A. The Community Council has legal and financial responsibility for administering all programs funded to the Community by the U.S. Department of Health Services Administration for Children and Families Office of Child Care.

B. The Community Council will oversee practices to ensure active, independent, and informed governance of the program, including:

1. Ensure compliance with Federal, State, and Tribal laws and regulations; and
2. Ensure compliance with all requirements for Governing Boards as outlined in The Child Care Development Block Grant (CCDBG) Act and Child Care Development Fund (CCDF) Final Rule.

## **CHAPTER 12. CHILD DEVELOPMENT – EDUCATION SUPPORT SERVICES PROGRAM**

### **11.1201. Administration of Child Development – Education Support Services Program.**

A. The Community Council has legal and financial responsibility for administering all programs funded to the Community by the U.S. Department of Interior Bureau of Indian Affairs Bureau of Indian Education.

B. The Community Council will oversee practices to ensure active, independent and informed governance of the program, including:

1. Ensure compliance with Federal, State and Tribal laws and regulations; and

2. Ensure compliance with all requirements for Governing Boards as outlined as outlined in P.L. 108-446 Individuals with Disabilities Education Improvement Act (IDEIA), Part B and C (birth to five years old), and Arizona State Department of Education certification standards.

## **CHAPTER 13. P.L. 93-638 PROGRAMS**

### **11.1301. Administration of P.L. 93-638 Programs.**

A. The Community Council has legal and financial responsibility for administering all programs funded to the Community by the U.S. Department of Interior Bureau of Indian Affairs Bureau of Indian Education.

B. The Community Council will oversee practices to ensure active, independent, and informed governance of the program, including:

1. Ensure compliance with Federal, State, and Tribal laws and regulations; and
2. Ensure compliance with all requirements for Governing Boards as outlined in P.L. 93-638 requirements and agreements.

C. Programs funded in part or in whole include:

1. K-12 Student Services Program (JOM Funds);
2. Scholarship; and
3. Employment.

## **CHAPTER 14. BACKGROUND CHECK DATA**

### **11.1401. Background and Criminal History Checks.**

All schools located within the Reservation shall comply with all applicable requirements, including background check requirements, under the Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. § 3201, *et seq.*

## **CHAPTER 15. STUDENT VIOLENCE, BULLYING, HARASSMENT, AND INTIMIDATION**

### **11.1501. Title.**

This chapter is the Student Violence, Bullying, Harassment, and Intimidation Code of the Gila River Indian Community (“Community”) and it may be cited as the “Anti-Bullying Code.”

### **11.1502. Findings and Policy.**

- A. The Community Council finds that:
  - 1. It is the right of every student to be educated in a positive, safe, caring, and respectful learning environment; and
  - 2. A school environment inclusive of these traits maximizes student achievement, fosters student personal growth, and helps students build a sense of community that promotes positive participation as members of the Community and of society.
- B. It is hereby declared to be the policy of the Community that:
  - 1. Student violence, bullying, cyberbullying, harassment, and intimidation, as defined in this chapter, is prohibited behavior that is not restricted to school grounds, but will not be tolerated.
  - 2. The schools will identify and implement age-appropriate character education and evidence-based best practice programs designed to instill in students the values of positive interpersonal relationships, mutual respect, and appropriate conflict resolution.
  - 3. The schools, in partnership with students, parents, guardians, teachers, administrators, school staff, school volunteers, community representatives, local law enforcement, school accountability committees, and school district accountability committees, and, where appropriate, the community at large, will

establish and maintain school environments based on the positive values and beliefs as provided in this Chapter.

4. The schools, in participation with students, parents, guardians, teachers, administrators, school staff, school volunteers, community representatives, local law enforcement, school accountability committees and school district accountability committees, and, where appropriate, the community at large, will provide opportunity for periodic participation in the development and review of their programs, plans and/or processes relating to student violence, bullying, harassment, and intimidation.
5. The schools will annually provide the TED with a copy of their programs, plans and/or processes relating to student violence, bullying, harassment, and intimidation, including information related to the development and implementation of any anti-student violence, bullying, harassment, and intimidation prevention, intervention and education programs, plans, and/or processes. The information required under Section 11.1502.A.5 shall be attached to or made part of the annual report.

#### **11.1503. Definitions.**

- A. In this chapter, unless the context or subject matter otherwise requires:
  1. *Bullying*: Bullying is a deliberate or knowing act, behavior or threat (including intimidation and/or harassment), manifested through written, verbal, physical or emotional means to exert real or perceived power by a student, whether individually or in concert with other persons, against another student or group of students, which is unwelcome and unprovoked, and that is sufficiently severe, persistent, pervasive, or repeated over time so as to cause:
    - a. Reasonable fear for the student of physical harm or injury, or damage to or theft of personal property; or
    - b. Substantial risk of or actual physical harm or injury, damage to or theft of student property, mental harm, personal degradation, or social exclusion or ostracism
  2. *Cyberbullying*: Cyberbullying is any act of bullying committed by use of electronic technology or electronic communication devices, including telephonic devices, social networking, and other internet communications, on school computers, networks, forums, and mailing lists, or other Community or school-owned property, and by means of an individual's personal electronic media and equipment.
  3. *Harassment*: Harassment is the constant or repeated, direct or indirect, unconsented and intentional act, behavior or threat by a student or group of students that is disturbing, threatening, or humiliating to another student or group of students. Harassment can include, but is not limited to, stalking, hazing,



social exclusion, name-calling, unwanted physical contact and unwelcome verbal or written comments, photographs, graphics, and use of social media. Harassment may be related, but not limited to, race, ethnicity, culture, national origin, color, gender, religion, physical or behavioral characteristics, sexual orientation/preference, economic status, and/or disability.

4. *Intimidation*: Intimidation is the intentional act, behavior or threat by a student or group of students that places another student or group of students in fear of harm to person or property. Intimidation can be manifested emotionally or physically, either directly or indirectly, and by use of social media.

#### **11.1504. Prohibitions and Discipline.**

A. Students are prohibited from and may be subject to disciplinary action for student violence, bullying, cyberbullying, harassment, or intimidation:

1. On school grounds, school property, property immediately adjacent to school grounds, school buses or other vehicles owned, leased or used by the Community, school, or school board; at school bus stops, at school-sponsored events and activities, functions or programs whether on or off school grounds;
2. In person or through the use of electronic technology or electronic communication equipment owned, leased or used by the Community, School, or school board including, but not limited to, school computers, networks, forums, or mailing lists; and
3. Outside of the school and the school day when a student's violence, bullying, cyberbullying, harassment, or intimidation results in a physical, mental, or emotional negative effect on a student or group of students while on school grounds, school property, school buses, at school bus stops, or at school-sponsored events and activities, infringes on the rights of the student, or when such act, behavior, or threat interferes with or has the likelihood of interfering with the education process, the promotion of positive values and beliefs as provided in this Chapter, and/or authority of the school to maintain order.

B. Law enforcement authorities shall be notified any time school officials have a reasonable belief that an incident of student violence, bullying, cyberbullying, harassment, or intimidation is a violation of the law.

C. Knowingly submitting a false report under this Chapter shall subject the reporter to discipline up to and including suspension or expulsion, or if the reporter is a school employee, termination of employment. Where disciplinary action is necessary pursuant to any part of this Chapter, relevant Community or school policies shall be followed.

#### **11.1505. Reporting Incidents of Student Violence/Bullying/Harassment/Intimidation.**

A. A student who is experiencing student violence, bullying, cyberbullying, harassment, or intimidation or believes another student is experiencing student violence, bullying, cyberbullying, harassment, or intimidation shall be encouraged to report the situation

to the principal or another school employee. A school employee who becomes aware of or suspects a student is being subjected to violence or is being bullied, cyberbullied, harassed, or intimidated shall immediately notify the school administrator. School personnel shall maintain confidentiality of the reported information to the extent practicable.

B. The initial notification of an alleged incident may be provided verbally. A detailed written description of the incident and any other relevant information must be provided on form(s) made available by the school and submitted to the principal within one (1) school day of the verbal report. Should the principal be the employee who observes an incident, is informed of, or suspects a student is experiencing student violence, bullying, cyberbullying, harassment, or intimidation, the principal shall document the incident or concern in writing. Failure by an employee to immediately report a suspected case of student violence, bullying, cyberbullying, harassment, or intimidation may result in disciplinary action up to suspension without pay or dismissal pursuant to school policy.

C. Reprisal by any student or staff member directed toward a student or employee related to the reporting of a case of student violence, bullying, cyberbullying, harassment, or intimidation or a suspected case of student violence, bullying, cyberbullying, harassment, or intimidation shall not be tolerated, and the individual(s) will be subject to the disciplines set out in applicable school policy.

D. At the time a student makes a credible allegation of violence, bullying, cyberbullying, harassment, or intimidation, the principal shall provide to the parent(s) or guardian(s) of the student who has allegedly been subjected to the violence, bullying, cyberbullying harassment, or intimidation notice of the alleged incident and a written copy of student rights, protections and support services available to the student.

E. The principal or administrative designee shall investigate and provide notice to the parent(s) or guardian(s) a report of student violence, bullying, cyberbullying, harassment, or intimidation in accordance with school policy. If the principal determines that student violence, bullying, cyberbullying, harassment, or intimidation has occurred, discipline will be administered pursuant to school policy and a school official will meet with the involved students to review the findings of the investigation. Subject to the restrictions of the FERPA, the parent(s) or guardians(s) of the involved students shall also be informed of the findings of the investigation. The identity of a good faith reporter in any case of suspected child maltreatment shall be absolutely withheld from disclosure by any employee or agent of the Community.

F. Schools shall establish procedures designed to protect the health and safety of students who are physically harmed as the result of student violence, bullying, cyberbullying, harassment, or intimidation. These will include, when appropriate, procedures for contacting emergency medical services, law enforcement agencies, or both.

G. Documentation related to reported student violence, bullying, cyberbullying, harassment, or intimidation and subsequent investigation shall be maintained by the school for not less than six (6) years. In the event the school reports incidents to persons other than school

officials or law enforcement, all individually identifiable student information shall be redacted in compliance with the FERPA.

**11.1506. Training on Student Violence/Bullying/Harassment/Intimidation.**

A. The schools shall establish procedures for the dissemination of information and providing instruction to students, parents and guardians, school employees, and school volunteers. The information will include, but not be limited to, identifying, preventing, and responding to student violence, bullying, cyberbullying, harassment, and intimidation; school board policies, preventative measures, incident reporting procedures, support services (proactive and reactive) and student's rights. The dissemination of this information shall:

1. occur during the first (1st) month of each school year;
2. be provided to each incoming student during the school year at the time of the student's registration;
3. be provided to staff members during the first (1st) month of each school year and on the first day of employment for new employees;
4. be posted in each classroom and in common areas of the school; and
5. be summarized in the student handbook and on the school website.