

**ALBUQUERQUE PUBLIC SCHOOL DISTRICT
BYLAWS OF JOHNSON O' MALLEY INDIAN EDUCATION COMMITTEE**

**ARTICLE I
NAME**

The name of this Committee shall be the Johnson O'Malley Indian Education Committee (JOMIEC).

**ARTICLE II
PURPOSE**

The purpose of the Johnson O'Malley JOMIEC is for planning, approval, operation, and appraisal of the Johnson O'Malley programs. The JOMIEC is established in accordance with 25 U.S.C. §452-7 and 25 CFR §273, which pertain to Education Contracts under the Johnson O'Malley Act, in partnership with the Local Educational Agency (LEA), Albuquerque Public School District (APS).

**ARTICLE III
POWERS AND DUTIES**

The powers and duties of the JOMIEC shall be the following:

Consistent with the purpose of the Indian Education Committee, each such Committee shall be vested with the authority to:

A. Participate fully in the planning, development, implementation, and evaluation of the JOM programs, through annual assessment, including both supplemental and operational support, conducted under a contract or contracts pursuant to this part, and conduct program monitoring visits. Such participation shall include further authority to:

1. Recommend curricula, including texts, materials, and teaching methods to be used in the JOM programs;
2. Approve budget preparation and execution;
3. Assist APS by recommending criteria for employment in the JOM program;
4. Nominate a reasonable number of qualified, prospective, educational programmatic staff members from which the contractor would be required to select;
5. Evaluate JOM staff performance and program results and recommend appropriate action to the contractor;

B. Approve and disapprove all JOM programs. All programs require the prior approval of the appropriate JOMIEC.

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- C. Secure a copy of each JOM negotiated contract(s) which include the program(s) approved by the JOMIEC.
- D. Obtain and supply information on the views of Native American parents and students concerning the unique educational and culturally-related academic needs of Native American students in the JOM program.
- E. Establish priorities based upon the needs assessment to develop the JOM Application.
- F. Provide regular JOMIEC reports to respective Pueblos, chapters, communities and schools.
- G. Serve on District school-improvement committees, participate in school-parent meetings, and conduct school-monitoring visits.
- H. Act as a hearing Committee for any individual or group who may wish to propose revisions or file grievances regarding the District's JOM-funded programs (See Addendum A: JOMIEC Grievance Procedure).
- I. Recommend to the Commissioner of the BIA, through the appropriate BIA contracting officer, cancellation or suspension of the District JOM contract, if the District, as contractor, fails to permit the JOMIEC to exercise its powers and duties.
- J. Each member shall receive copies of reports, evaluations, and surveys, and other program and budget-related documents determined necessary by the JOMIEC to carry out its responsibilities.
- K. No JOMIEC member may participate in any Committee action when a member of his/her immediate family is in a JOM-funded position.
- L. All JOMIEC members must be given prior formal authorization at a duly-called meeting, with a Motion and a Second recorded in the minutes, to represent or speak on behalf of the JOMIEC.
- M. JOMIEC shall exercise its authority only during duly-called JOMIEC meetings.
- N. JOMIEC members shall not act or speak on behalf of the JOMIEC as an individual; members may continue to speak as parents.
- O. JOMIEC members are expected to attend all meetings in its entirety in order to fully participate in the discussion and to cast a vote.

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P. JOMIEC members shall receive training to gain knowledge and skills of JOMIEC roles and responsibilities.

Q. JOMIEC members shall participate in at least one annual public hearing organized and hosted by APS.

**ARTICLE IV
MEMBERSHIP**

SECTION 1 - MEMBERSHIP OF JOMIEC

Ten (10) members shall constitute the membership of the JOMIEC.

Four (4) parent representatives from the following as nominated and elected:

- | | |
|---------------------|-----------------------------------|
| 1. Pueblo of Acoma | 7. Pueblo of Santa Ana |
| 2. Pueblo of Isleta | 8. Pueblo of Zuni |
| 3. Pueblo of Jemez | 9. Pueblo of Zia |
| 4. Pueblo of Kewa | 10. Pueblo of Cochiti |
| 5. Pueblo of Laguna | 11. Tohajiilee (Canoncito Navajo) |
| 6. Pueblo of Sandia | |

Four (4) At Large Parent Representatives: A Parent Representative is any person who is the parent or legal guardian (as defined by APS) of a Native American student who has a Certificate of Indian Blood and is enrolled in APS.

One (1) APS Teacher or Counselor member.

One (1) APS High School Student member who has a Certificate of Indian Blood (CIB) on file with APS from a Federally-recognized Tribe.

To the extent possible and to avoid a conflict of interest in JOMIEC matters, voting members of the JOMIEC shall not be blood related to each other. (The student member may be blood related to a JOMIEC member).

A parent is defined as any person who is the parent or legal guardian (as defined by APS) of a Native American student who has a CIB (Certificate of Indian Blood) on file with APS and is enrolled in APS.

The Teacher or Counselor is a person who is employed by APS in either a Teacher or Counselor position. Any Indian Education Department staff member is disqualified for this position.

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A student member is a person who has a CIB on file and is an APS-identified Native American student actively enrolled and attending classes at an APS high school served by JOM-funded programs.

SECTION 2 - ELECTION

The election of JOMIEC members shall be held during an open public meeting announced to the public via School Messenger APS Website, Indian Education newsletter and other media.

JOMIEC members shall be nominated and elected at this open meeting by parents and/or legal guardians of Native American students attending APS. Eligible members shall include:

- (1) Parents of Native American children attending APS;
- (2) Teachers and Counselors employed by APS;
- (3) Native American students attending high school in APS,
- (4) Holder of recommendation letter from a current tribal governor, president, or council delegate.

SECTION 3 - TERMS

All Parent members will serve multi-year terms, so long as their student is enrolled in APS.

The student representative will serve a one-year term.

The Teacher or Counselor member will serve a three-year term as long as she/he is employed as a Teacher or Counselor in APS.

A term is defined as three fiscal years July 1st to June 30th. All members will serve three-year terms except for the student representative. The student member will serve one year.

The JOMIEC will elect three officers: Chairperson, Vice-Chairperson, and Secretary. The officers will be elected on an annual basis. The election will take place at the first meeting of the school year. Officers may serve more than one year.

Parents or legal guardians may serve only as long as their children are actively enrolled in APS. The teacher or counselor may serve only as long as he/she is actively employed by APS. The student representative must comply with all APS student policies as addressed in the APS Student Handbook, and maintain a GPA of 2.5, as determined by semester grades. The student may serve only as long as he/she is actively enrolled in APS.

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SECTION 4 - VOTING RIGHTS

Each JOMIEC member is entitled to one vote on JOM matters. Each eligible voting member shall be entitled to one vote and may cast the vote on each JOMIEC matter submitted to a vote of the Committee.

SECTION 5 - ATTENDANCE

All members are required to attend each meeting. An absence will be excused if member contacts the JOMIEC Chairperson or Vice-Chairperson, and the Indian Education Department, 24 hours prior to the meeting, or in case of immediate emergency, she/he will not be attending.

SECTION 6 - TERMINATION OF MEMBERSHIP

Any member may be terminated from membership on the Committee for the following reasons.

The member who does not attend regular or special meetings (i.e., work sessions, retreats, and emergency meetings) of the Committee for three annual meetings (unexcused absences), and termination is approved by a majority vote of the JOMIEC;

The member no longer wishes to serve on the Committee and so indicates verbally or by submitting a letter of resignation to the JOMIEC Chairperson or Indian Education Department Director;

If a member does not fulfill his/her member roles and responsibilities in a professional manner consistent with APS policies and cultural values, the member may be asked to resign from the JOMIEC by the JOMIEC Chairperson with consensus by the IEC members.

If a JOMIEC member's child is no longer enrolled in APS.

SECTION 7 - VACANCY

If the position of Chairperson should become vacant, the Vice-Chairperson will assume the role of the Chairperson. The JOMIEC shall elect a new Vice-Chairperson from the JOMIEC members.

Any vacancy which occurs on the JOMIEC for any reason shall be filled by election as provided in Section 2 above for the remainder of the unexpired term of the member being replaced. The election shall be held as soon as is reasonably practical.

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ARTICLE V
OFFICERS AND DUTIES**

SECTION 1 – OFFICERS

The officers of the JOMIEC will be the Chairperson, Vice-Chairperson, and Secretary.

SECTION 2 - ELECTIONS & TERM OF OFFICE

The officers of the JOMIEC shall be elected by a majority vote of the JOMIEC at the first regular meeting of the school year.

The officers shall serve a one-year term.

Officers shall assume their duties immediately upon election.

SECTION 3 - CHAIRPERSON

The primary responsibilities of the Chairperson are to conduct all meetings of the JOMIEC, including planning meeting agendas with input from the JOMIEC members and the Indian Education Department. Upon approval of the JOMIEC, the Chairperson will sign letters, documents, reports, and grant applications. The Chairperson will be the JOMIEC Representative at District and non-District functions. The Chairperson may assign various duties to the JOMIEC members. The Chairperson will not have the authority to commit the JOMIEC to any function without the express approval of the JOMIEC.

SECTION 4 - VICE-CHAIRPERSON

In the absence of the Chairperson at a JOMIEC meeting, the Vice-Chairperson will assume the role of the Chairperson. The Vice-Chairperson will carry out various duties as assigned by the Chairperson.

SECTION 5 – THE SECRETARY

The Secretary, in collaboration with the Indian Education Department, shall maintain the official minutes of the JOMIEC meetings. He/She will also maintain documents of meeting dates, attendance, and news-release bulletins to parents, the District, newspapers, and radio stations. Copies of all documents and minutes are to be provided to the JOMIEC members. The JOMIEC Secretary, along with the Indian Education Department, shall have the full responsibility to provide copies of the minutes to the Director of the Indian Education Department.

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SECTION 6 - THE PARENT REPRESENTATIVES

The Parent Representatives shall provide input and advice concerning programs and curriculum as they relate to schools, parents, and students.

SECTION 7 - TEACHER OR COUNSELOR REPRESENTATIVE

The Teacher or Counselor Representative shall not serve as an officer, but shall provide input and advice concerning JOM programs and curriculum as they relate to schools, parents, and students.

SECTION 8 - STUDENT REPRESENTATIVE

The Student Representative shall not serve as an officer, but shall provide input and advice to the JOMIEC concerning student-related and school-related issues.

**ARTICLE VI
MEETINGS OF THE JOMIEC**

SECTION 1 - MEETING REQUIREMENTS

The JOMIEC meeting schedules will be developed one school year in advance. The JOMIEC Secretary, in collaboration with the Indian Education Department, will email a business agenda and supporting documents indicating the agenda items, the date, hour and location of the meeting to the JOMIEC members at least three (3) days prior to a regularly scheduled meeting.

SECTION 2 - REGULAR MEETINGS

Regularly-scheduled business meetings will be held on the third Thursday of every quarter in the calendar year. A pre-determined time and place will be established. All business meetings of the JOMIEC will be open to the public.

The open meetings will be advertised at community-based facilities, through the APS school site publications, as well as through School Messenger, the APS website, Indian Education newsletter and other media.

SECTION 3 - SPECIAL MEETINGS

The JOMIEC Chairperson or the APS Director of Indian Education may call special meetings of the JOMIEC at any time. Members shall be notified by telephone or email within a reasonable time before the meeting. Special meetings may include conference calls and/or those conducted by other electronic means.

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SECTION 4 - SPECIAL COMMITTEES

The Indian Education Department may establish an Ad Hoc Committee, which shall consist of appointed JOMIEC and non-JOMIEC members. Ad Hoc Committees shall be established as needed. All final decisions are reserved for the JOMIEC. The Ad Hoc Committees will report to the JOMIEC as requested.

SECTION 5 – QUORUM

Six (6) members of the JOMIEC shall constitute a quorum to conduct business at any duly-called meeting by the JOMIEC. Decisions made by the members present at any meeting shall be an act of the JOMIEC.

The Teacher/Counselor and the student members will count as part of the JOMIEC quorum.

Members will wait no more than 15 minutes for a quorum to be present. JOMIEC members present may then conduct a work session.

SECTION 6 - OPEN MEETINGS

All regular business and special JOMIEC meetings shall be open to the general public. During open meetings, an open forum will be available to the public for two minutes per presenter (unless longer time is approved by the Committee), with no immediate response expected from the Committee.

SECTION 7 - RULES OF ORDER

The current edition of Robert's Rules of Order Newly Revised shall govern the parliamentary procedures of all meetings of the JOMIEC, not otherwise covered by these Bylaws. Training in Roberts' Rules of Order will be provided as needed to newly-elected members.

SECTION 8 – AGENDA AND MINUTES

An agenda of each meeting of the JOMIEC and minutes of the previous meeting shall accompany the notice of that meeting and shall be sent to all members of the JOMIEC. Any information supporting agenda items will also be sent. The Indian Education Department and the JOMIEC will jointly be responsible for disseminating the agenda and minutes.

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ARTICLE VII
COMPENSATION**

SECTION 1 – MEETINGS

All JOMIEC members will be compensated at a rate of \$75.00 based on availability of funds.

JOMIEC members must be in attendance for more than 60% of the meeting time to be eligible for the stipend.

JOMIEC members who do not attend the meetings will not be compensated. The sign-in sheet that indicates the name of the JOMIEC attendees and their signature will be used as the official record of attendance.

SECTION 2 – PER DIEM

JOMIEC members will be reimbursed for travel expenses incurred for in-state and out-of-state approved travel, consistent with the APS policies regarding per diem when overnight travel is required for JOMIED official business, conferences, and training.

SECTION 3 – MILEAGE

JOMIED members will be reimbursed for mileage when overnight travel is required for conference and training attendance, consistent with the APS policies regarding mileage.

SECTION 4 – TRAINING EXPENSES

JOMIED will allocate in the JOMIED budget, costs for professional development of JOMIEC members, including workshops and conferences.

Members will be expected to attend all of the training and submit a written report to IED, and provide an oral report at a regularly-scheduled JOMIEC meeting.

**ARTICLE VIII
AMENDMENTS**

The JOMIEC, with the advisement of the Indian Education Department, shall have the power to alter or amend these Bylaws at any time, by two thirds (2/3) affirmative vote of six (6) JOMIEC members, provided that the alteration or amendment is to carry out the purpose of the JOMIEC as herein above expressed. Any alteration or amendment must conform to JOM guidelines. The JOMIEC Bylaws may be modified or amended by mutual consent of the JOMIEC and the APS Board of Education.

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ARTICLE IX
APPROVAL OF BYLAWS

SECTION 1 – APPROVAL OF BYLAWS BY JOMIEC

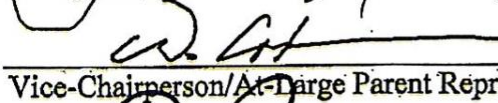
- A. The JOMIEC Bylaws were approved by the JOMIEC of APS on the 25th Day of February, 2021, during a duly-constituted meeting.
- B. Motion: Shamenika Nelson, Second: Mildred Chiquito
- C. Vote: 8 in Favor, None, Opposed.

In Witness Whereof:

OFFICERS:



Chairperson/Pueblo of Santa Ana Parent Representative



Vice-Chairperson/At-Large Parent Representative



Secretary/At-Large Parent Representative

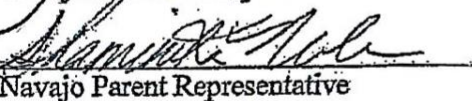
COMMITTEE:



APS Teacher/Counselor Representative



Tohajiilee Parent Representative



Navajo Parent Representative



High School Student Representative



At-Large Parent Representative



At-Large Parent Representative



Pueblo of Zuni Parent Representative

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SECTION 2 – APPROVAL OF BYLAWS BY BOARD OF EDUCATION

The JOMIEC Bylaws were approved on the ____ Day of _____, 2021.
by the APS Board of Education with a vote of _____.

Dr. David E. Percy
President, APS Board of Education

Yolanda Montoya-Cordova
Secretary, APS Board of Education

CONCURRENCE:

Robert Elder, Superintendent, Albuquerque Public Schools

Dr. Daisy Thompson, Senior Director, Albuquerque Public Schools

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ADDENDUM A

Grievance Procedures

Grievance procedures for complaints from APS Indian students, parents, and JOM staff-related to program(s) contracted under Johnson O'Malley shall be as follows:

SECTION 1:

The complainant shall submit a grievance in writing to the APS JOMIEC for investigation, review and action.

A. Upon receipt of the written complaint, the JOMIEC shall, within 15 working days, conduct an investigation, and submit its findings in writing to the complainant. If the complaint cannot be resolved within the specified time, the JOMIEC may request additional time from the complainant.

B. If the complaint cannot be resolved by the JOMIEC to the satisfaction of the complainant, the JOMIEC shall forward the complaint with all investigative documents, findings, and/or recommendations to the APS _____.

SECTION 2:

The _____ shall proceed as follows:

A. Report the complaint to the APS Superintendent.

B. Schedule a meeting with the JOMIEC Chairperson within 10 working days after a complaint has been received.

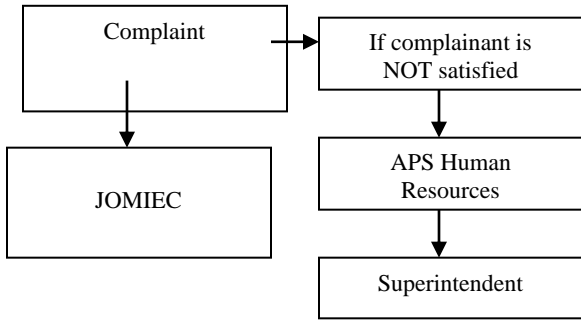
C. A grievance committee consisting of: JOMIEC Chairperson, and a JOMIEC member shall review the complaint, investigative documents, findings and/or recommendations.

D. Within 10 working days, of this meeting, the APS _____ shall contact the complainant to review the grievance committee's disposition in resolving the complaint.

E. If the complainant is not satisfied, the APS _____ shall forward the complaint with all investigative documents, findings, and/or recommendations to the Superintendent.

F. The findings of the Superintendent shall be final.

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