

**SAMPLE 1:**

**BY-LAWS OF THE LOCAL JOM INDIAN EDUCATION COMMITTEE**

The Johnson-O'Malley regulations require every Indian Education Committee (IEC) to adopt by-laws. The by-laws are rules used by the Indian Education Committee to govern the group in a consistent, fair manner as long as they comply with the federal regulations. The purpose of the Indian Education Committee shall be to bring about the most effective Indian education program possible. To achieve this, the Indian Education Committee shall participate fully in the implementation, development, operation and evaluation of the JOM project.

Before developing the application, the local Indian Education Committee shall establish and publicize procedures for the election of an Indian Education Committee. The method of the election should be stated in the by-laws under Election of Members.

The following by-laws are **only an example** of how the Indian Education Committee may establish by-laws. Other items may be added to meet local needs.

**ARTICLE I            Name of the Committee**

The name of this committee shall be the \_\_\_\_\_ Indian Education Committee.

**ARTICLE II Purpose of the Committee**

The purpose of each individual IEC should reflect their unique needs of the eligible Indian students and community. The following are **only examples** of what the IEC's may consider as the purpose of the JOM program.

- Section 1.            To promote the welfare of Indian children and youth in home, school, community and tribe.
- Section 2.            To raise the standards of school achievement of Indian children.
- Section 3.            To promote the educational benefits of incorporating cultural relevance into the day-to-day educational activities of eligible Indian students.

**ARTICLE III            Membership**

**Section 1.        Establishment of the Indian Education Committee**

- A)        The Indian Education Committee is to be elected from among the parents, or legal guardians, of eligible Indian students enrolled in the public school(s).
- B)        The Indian Education Committee shall be composed of   #   of members.

**Section 2.        Election of Members of the IEC**

- A)
- B)        A selected number of members are elected in odd-calendar years with the remaining members elected in even-calendar years.

New

- C) Membership in the Indian Education Committee cannot be transferred.
- D) The IEC may have the option of infinite terms - no restrictions on the number of terms.

Section 3. Annual Elections / community voting rights

- A) The Annual Election meeting shall be held on the \_\_\_\_\_ weekday of (month) or at a date that is determined by the IEC.
- B) Nominations for the IEC shall be taken from the floor by an eligible voter at a duly called meeting.
- C) Votes shall be cast by secret ballot and tallied visibly so that all in attendance will know the results.
- D) The responsibilities of a newly elected IEC member includes:
  1. Attend scheduled IEC meetings
  2. Assist other IEC members in planning and implementing program / special events
- E) Newly elected IEC members shall take their positions as IEC members, at the first official meeting of the new Indian Education Committee.

Section 4. Voting Rights of the IEC members

- A) Each member shall have one vote in any matter submitted to the parent committee for a general vote.
- B) Proxy voting and absentee balloting shall not be permitted.
- C) A member may abstain from voting on any matter.
- D) The majority vote will prevail.

Section 5. Termination of Membership

- A) Any member may resign by giving a written resignation to the IEC.
- B) A member shall be automatically removed from membership in the Indian Education Committee for the following reasons:
  1. The member does not attend any regular or special meetings of the committee for \_\_\_# consecutive months.
  2. The child of the member is no longer enrolled in the affected school district.
  3. For action or behavior that discredits the IEC.

Section 6. Vacancies

- A) By affirmative vote of members of the committee, a vacancy can be filled.
- B) The IEC shall elect by majority vote, an eligible JOM parent to fill the vacated position until the next annual election.
- C) If the Chairpersons position is vacated, the next officer will hold that position until a new chairperson is elected.

Section 7. Powers and Duties

In accordance with 25 CFR 273.16 (a) (1)(i-v), the Indian Education Committee shall be vested with the authority to participate fully in the planning, development, implementation and evaluation of all programs. Such participation shall include:

- A) Recommend curricula.
- B) Approve budget preparation and execution.



- B) Notice of regular meetings shall be in writing and posted with the date, hour, and location of the meeting.
- C) Notices shall be mailed to each IEC member not less than 5 days before the date of each meeting.
- D) A copy of the agenda shall be enclosed with the notice.
- E) All regular meetings shall be open to the public in compliance with the Open Meeting Act.

Section 2 Special Meetings

- A) Called by the IEC Chairperson or by a majority vote of the committee.
- B) All IEC members shall be notified in advance of the special meeting.
- C) Agenda items must be limited to the item(s) of concern.
- D) All regular meetings shall be open to the public in compliance with the Open Meeting Act.

Section 3 Executive Session ( no minutes or recordings are to be made in this session)

The participants of an executive session are not to discuss or disclose the issues made known in the executive session. An executive session may be called by any two members of the IEC, before or during a regular IEC meeting. To qualify for an executive session the issue must be one of the following:

- A) Personnel matters
- B) Misconduct of an IEC member
- C) Dealing with sensitive issues pertaining to the program.

Once out of session, a formal motion of action that maintains confidentiality of the issues discussed, must be brought up at the regular meeting.

Section 4 Quorum

The presence of a simple majority of the Committee shall be required to constitute a quorum necessary for the transaction of the business of the Indian Education Committee. No decision of the IEC shall be valid unless there is a majority vote of the members constituting a quorum.

Section 5 Agenda

- A) The agenda for each meeting shall be prepared by the Chairperson. Individual members of the Indian Education Committee are encouraged to submit agenda items for the Chairperson or present their proposals formally under the agenda item of "New Business."
- B) An item may be placed on the agenda by contacting the chairperson at least 5 days prior to the regular meeting date.
- C) ) In accordance with the Meeting Act an agenda must be posted at the place of the regular meeting at least 24 hours in advance of the meeting.

**ARTICLE VI Parliamentary Authority**

The \_\_\_\_\_ will conduct their meetings in accordance with Parliamentary Procedures.

**ARTICLE VII Amending the By-laws**

The by-laws may be amended at any regular meeting by a majority vote of the members of the IEC in attendance, provided that the amendment is to carry out the purpose and objectives of the IEC

as expressed above. Any amendment must conform to the Rules and Regulations of the Federal Register, Code of Federal Regulations 2

**ARTICLE VIII      Grievance Procedures**

Grievance procedures for complaints from Indian students, parents and JOM staff relating to program(s) contracted under JOM shall be as follows.

Section 1            The complainant shall submit his/her grievance in writing to the local Indian Education Committee for investigative review and action.

A) Upon receipt of a written complaint, the Indian Education Committee shall, within fifteen (15) working days, make an investigation, document and submit its findings to the complainant. If the complaint cannot be resolved within the specified time, then the Indian Education Committee may request additional time from the complainant.

B) If the complaint cannot be resolved by the Indian Education Committee to the satisfaction of the complainant, the Committee shall forward the complaint with all investigative documents, findings and/or recommendations to the appropriate level official.

Section 2            The appropriate level official shall proceed as follows:

A) Schedule a meeting with the local Indian Education Committee to be held within ten (10) working days after a complaint has been received.

B) A grievance committee consisting of a JOM staff member, IECe member and appropriate level official will review the complaint, investigative document(s), findings and/or recommendations.

C) Every effort will be made by this committee to resolve the complaint.

D) Within ten (10) working days of this meeting, the appropriate level official will contact the complainant to assure the committee's disposition has resolved the complaint.

E) If the complaint is not satisfied, the IEC will forward the complaint with all investigative documents, findings and/or recommendations to the Manager/Director of the Johnson-O'Malley Program or a Bureau authorized official for review and action.

F) The findings of the Manager/ Director or Bureau authorized official shall be final.

**ARTICLE IX      Ratification**

These by-laws shall be declared adopted by the Indian Education Committee when passed by majority of the full membership of the Committee, at a general meeting of the Committee. These by-laws are approved by the (name of school) Indian Education Committee at a regular meeting on \_\_\_\_\_, 200\_\_.

IN WITNESS THEREOF,

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice-Chairperson

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Secretary  
Member

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Member