

**TITLE 08: ESTABLISHMENT OF TRIBAL SCHOOLS**

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**Sec. 08.02.001 Purpose, Mission, & Vision**

**A. Purpose.** The purpose of the Tribal Schools are to perpetuate the languages and cultures of the Tlingit & Haida people of Alaska and to ensure the highest level of academic achievement possible in full language immersion environments.

**B. Mission.** *Hél anák gaxtoo.aat. Xaat yáx yatee haa yoo x'atángi, ka a káx áwé Haa Yoo X'atángi Kúdi wududliyéx. Aas jiséiyix' áwé woosh tudzixán haa kusteeyi tóonáx. Haa Aani kanax ch'u tleix Haa Léelk'u Hás sagaxtoo.áax, aagaa woosh jín gaxtoolsháat yeisú kaa toowú latseen tín.*

[Haida and Tsimshian versions of text will be inserted when found]

We are not going to walk away from it. Our language is like a tree root, and upon it Our Language Nest was built. In the shelter of a tree we love one another through our Way of Life. On Our Land we will forever hear the voices of our grandparents, and then we will still be holding each other's hands with strength of spirit.

**C. Vision.** Children fully fluent in their indigenous languages, fully competent in college-level English, and a 100% graduation rate.

**Sec. 08.02.002 Definitions**

The following words and phrases whenever used in the statutes of CCTHITA have the following meanings unless it is apparent from the context that different meaning is intended or unless a different meaning is specifically defined in the statute or in these definitions:

- A.** “academic policy committee” means the group designated to supervise the academic operation of the Tribal school and to ensure the fulfillment of the mission of a charter school, which consists of parents of students attending the school, teachers, and school employees;
- B.** “tribal school” means a school operated by the Central Council of Tlingit & Haida Indian Tribes of Alaska
- C.** "charter school" means a school established under AS 14.03.250 - 14.03.290 that operates within a public school district;
- D.** "local school board" means a borough or city school board or a school board of a regional educational attendance area;
- E.** "parent" means a biological, adoptive, or foster parent, or an adult who acts as guardian of a child and makes decisions related to the child's safety, education, and welfare;
- F.** "teacher" means a person who serves a school district in a teaching, counseling, or administrative capacity and is required to be certificated in order to hold the position.
- G.** “Central Council of the Tlingit & Haida Indian Tribes” or “CCTHITA” or “Central Council” or “Tribe” means the Central Council of the Tlingit & Haida Indian Tribes of Alaska, a traditional indigenous government with inherent powers, jurisdiction and

territories established by the Tlingit and Haida peoples, organized under indigenous law and recognized by applicable United States of America federal law and international law;

- H.** “Community Council” includes a community listed on the list set forth in these statutes as sharing in the CCTHITA jurisdiction;
- I.** “Daytime” means the period between sunrise and sunset;
- J.** “month” means a calendar month unless otherwise expressed;
- K.** “Tribal Citizen” means a member citizen of the Tribe as defined by the CCTHITA Constitution Article III.
- L.** “Executive Council” is the CCTHITA President, First Vice President, Second Vice President, Third Vice President, Fourth Vice President, Fifth Vice President, and Sixth Vice President, which serve until their successors are elected and qualified.

**Sec. 08.01.003 Authority for Title**

This Title is enacted pursuant to the inherent sovereign powers of the Tribe, which is recognized in the Act of June 19, 1935, 49 Stat. 388); as amended by the Act of August 19, 1965, (79 Stat. 543); as amended by the Act of November 2, 1994 (108 Stat. 4791), and the Constitution of the Central Council of the Tlingit and Haida Indian Tribes of Alaska, as amended April 18, 1987, for the purpose of providing a statutory basis for the formation and operation of a Tribal School. Congress authorized tribes to organize two separate entities; (1) a political governing body to exercise powers of self- government pursuant to Section 16 of the IRA, and (2) a federally-chartered Tribal School to engage in business transactions pursuant to Section 17.

**Sec. 08.01.004 Authority to Establish a Tribal School**

**Pursuant to Section 3 of the CCTHITA Constitution:** The Central Council, through either the Tribal Assembly or the Executive Council, may charter or otherwise authorize and provide for the organization of subordinate groups or entities to perform governmental, proprietary and revenue-raising enterprise functions for the Tribe and its member citizens, and to delegate to such subordinate groups or entities such powers as it shall determine under such rules and regulations and subject to such limitations and conditions as it shall prescribe.

**Sec. 08.01.005 Sovereign Immunity**

Subordinate entities of the Central Council created pursuant to the CCTHITA Constitution Article VII Section 3 shall possess the same sovereign immunity of as the CCTHITA Central Council of Tlingit and Haida Indian Tribes of Alaska in accordance with the CCTHITA Constitution Article VII Section 4 a. & b.

**Sec. 08.01.006 Establishment and Ownership**

The Executive Council is hereby delegated the authority to establish and develop Tribal Schools as it shall determine from to be in the best interests of the Tribe. Any Tribal School so established shall be governed and operated by an Academic Policy Committee of the Tribal Schools, as defined in this statute.

**Sec. 08.01.007 Powers**

Subject to the approval of the Executive Council, the Academic Policy Committee of the Tribal Schools shall exercise control and authority over the assets, operations, and performances of the Tribal Schools which have been dedicated to the education of our children.

**Sec. 08.01.008 Academic Policy Committee**

- A. **Composition.** The Tribal Schools shall be managed by an Academic Policy Committee consisting of no less than eleven (11) and no more than fourteen persons (14), as follows: the President of CCTHITA, (1) CCTHITA Executive Council Member, (3) Elder Tribal Citizens, (2) Community Members, (2) Tribal School Staff Members, and (5) Parents of Enrolled Children.
1. The Executive Council shall appoint the first Academic Policy Committee, which shall include one member from the Haida language community, and one from the Tsimshian language community.
  2. The CCTHITA President shall always serve on the committee; the (1) CCTHITA Executive Council Member, (3) Elder Tribal Citizens, and (2) Community Members shall be appointed by the Executive Council; the (2) Staff Members shall be elected from the staff of the Tribal Schools, and (5) Parents shall be elected from parents of enrolled children as defined in the Tribal School Bylaws.
  3. The Academic Policy Committee and the Executive Council shall give preference in the appointment of Members to persons who have expertise or experience in Southeast Alaska Native languages.
  4. Staff who are under contract to the school and who also are parents of one or more children enrolled in the school shall be eligible only for the two staff APC positions, unless they are part time employees (such as aides, noon duties, etc.).
  5. A list of the members of the Academic Policy Committee shall be submitted to the Executive Council during each annual review. The Executive Council and the Superintendent of contracted local school boards must be notified in writing within 10 working/school days of changes in the committee membership.
  6. The principal or acting principal then under contract to the school shall be a perpetual “ex officio” member of the APC, and shall have no vote.
  7. A local school board that contracts with the Tribal School can appoint a representative/liaison who shall also be an “ex officio” member with no vote.
- B. **Terms.** The President of the Tribe shall serve as a representative of the Tribe during his/her term in office. The remaining thirteen (13) directors shall serve two-year terms. Seven (7) of the initial directors shall serve an initial three-year term unless reappointed or until their successors are selected. The remaining six (6) of the initial directors shall serve a two-year term unless reappointed or until their successors are selected.
- C. **Removal.** If an APC members’ eligibility changes during their term (i.e.: staff member is no longer employed with a Tribal School, parent’s child is un-enrolled), their term ends when their eligibility changes. Failure to follow code of ethics, or failure to participate in or attend meetings may result in removal by 2/3 vote at an established quorum at an APC

meeting. An APC member may also be removed by 2/3 vote of the Executive Council. The APC may request in writing that an APC member appointed by the Executive Council be replaced if their participation is detrimental to the board's productivity. Any members who commit acts of moral turpitude or are convicted of a felony while in office shall be automatically removed from office.

C. **Vacancies.** Any vacancy occurring on the APC shall be filled by the Executive Council. The replacement member of the APC shall be elected for the unexpired term of his/her predecessor in office.

D. **Authority.** Subject to the approval of the Executive Council, the Committee shall establish policies for the management and control of the business, property and affairs of the Tribal School, and the Committee is hereby vested with the authority and power necessary to the discharge of those duties. The members of the Committee shall be deemed to be officers of the Tribe and as such share the same privileges and immunities as the tribal government. No members of the APC shall act on his/her own in the name of the APC unless so authorized by these statutes or by resolution of the APC. The Tribe hereby conveys the following powers to the Tribal School including, but not limited to:

1. Ensure the fulfillment of the mission of Tribal Schools as stated in these statutes, which will also be stated in any local school board contracts;
2. Oversee and have accountability and responsibility for academics, curriculum, legal/risk management, personnel issues, finances, operations/maintenance and budgeting issues, and as otherwise permitted or required by the above-mentioned contract or by state law;
3. Ensure that the charter school preserves the confidentiality of records relating to charter school students and personnel. Student records are confidential and may not be disclosed absent parental consent under federal and state law. Personnel records are confidential under state law and applicable provisions of the negotiated agreements governing charter school employees.
4. Promote professional conduct in accordance with CCTHITA and local school board policies;
5. Select a Tribal Schools Principal with a current Alaska Type B certificate, supervise the Principal, and evaluate the Principal on an annual basis.
6. Delegate to the Principal those tasks deemed appropriate by the APC and render to the principal and/or acting principal opinions regarding the hiring, evaluation, and/or termination or non-retention of teachers, staff, and other personnel to the extent permitted by law;
7. Review Personnel policies to insure compliance with administrative and statutory requirements with respect to the selection, hiring, termination, or non-retention of either a tenured or non-tenured charter school teacher or administrator.;
8. Review, upon request by any parent, teacher, or staff, requests for any purchase of materials initially denied by the principal or acting principal; and

9. Review and rule on any other questions, issues, or policies that may from time to time arise, to the extent permitted or not prohibited by applicable tribal, federal or state law.
10. Further powers as may be necessary to the conduct of business of Tribal Schools.

**Sec. 08.01.009 Tribal Schools Principal/Administrator**

- A. The Charter School Principal/Administrator shall keep financial records of the charter school and submit appropriate information as required by the District and/or the charter school Academic Policy Committee.
- B. The Charter School Principal/Administrator shall oversee the operation of the charter school to ensure that the terms of the contract are being met.
- C. The Charter School Principal/Administrator shall meet regularly with charter school parents and with teachers/staff and students, where appropriate, to review, evaluate, and improve operations of the charter school.
- D. The Charter School Principal/Administrator shall provide to the District the names of the students who have pre-registered for the charter school prior to the starting date of the charter school each year, and shall provide waiting list information to the District on request. Membership information will be monitored on a monthly basis and reported on the District's monthly membership report.
- E. The Charter School Principal/Administrator shall meet with the Academic Policy Committee at least quarterly each year to monitor progress in achieving the Committee's policies and goals.
- F. The Charter School Principal/Administrator shall evaluate staff according to district approved practices and applicable bargaining agreements; certificated staff may be evaluated only by an administrator with a Type B certificate and according to district approved practices and in conformance with AS 14.20.149 and the State Board of Education and Early Development and local school board standards.
- G. The Charter School Principal/Administrator shall select, appoint, or otherwise supervise employees of the charter school.
- H. The Charter School Principal/Administrator shall perform other duties as assigned by the Academic Policy Committee.

**Sec. 08.01.010 Fiscal Year**

The fiscal year of Tribal School shall match the State of Alaska, beginning July 1 and ending June 30.

**Sec. 08.01.011 Academic Schedule**

Tribal Schools shall operate on an Academic Schedule determined by the Bylaws of the Tribal School. CCTHITA recommends Tribal Schools operate year-round to ensure language fluency, with breaks up to three weeks long at culturally appropriate times.

**Sec. 08.01.012 Meeting Schedules**

A. **Regular Meetings.** The APC shall also hold regular meetings, typically monthly, but at least ten (10) times a year. Stakeholders and the public are hereby invited to such meetings. Work sessions may also be held interim to regular meetings.

**Sec. 08.01.013 Personnel**

The Academic Policy Committee shall employ a Principal who shall have the authority to hire, promote and discharge such personnel as may be required to conduct the affairs of the Tribal Schools.

**Sec. 08.01.014 Admission Policies & Procedures**

As public schools, CCTHITA Tribal Schools will have open enrollment. Families applying to a Tribal School must complete an online application for enrollment. Tribal Schools will register students until classes are full, at which time a lottery will be used for enrollment. Families applying for enrollment must commit to volunteering eight hours a month at the school, and attending their own weekly language classes so they can keep up with their kids. Families who fail to uphold their commitments to the school shall be issued a warning for failure to comply, and may face expulsion from the school for failure to provide a successful environment for their child or children to succeed.

**Sec. 08.01.015 Employment Preference**

Tribal Schools shall conduct hiring practices according to the policies set forth in the CCTHITA Tribal Statutes 07: Tribal Employment Right's Office.

ADOPTED this 16<sup>th</sup> day of April 2015, by the Eightieth Tribal Assembly of Central Council of Tlingit and Haida Indian Tribes of Alaska.

**CERTIFY**



Richard J. Peterson, President

**ATTEST**



FOR: Tribal Secretary Jolene Edenshaw