



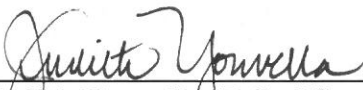
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MAY 12 2022
Dept. of Education

Timothy L. Nuvangyaoma
CHAIRMAN

Craig Andrews
VICE-CHAIRMAN

MEMORANDUM

TO: LeRoy Shingoitewa, Chairperson
Hopi School System Hopi Board of Education

FROM: 
Judith Youvella, Tribal Secretary
Office of the Tribal Secretary

DATE: May 9, 2022

SUBJECT: APPROVAL OF HOPI SCHOOL SYSTEM'S HOPI BOARD OF
EDUCATION'S ADOPTED BYLAWS – A.I. #042-2022 / H-027-22

On May 3, 2022, the Hopi Tribal Council by motion and unanimous vote, approved the above mentioned Action Item and Resolution.

By passage of this Resolution, the Hopi Tribal Council approves the Hopi Board of Education's March 16, 2022 Bylaws and hereby makes them effective.

You are welcome to contact me at JYouvella@hopi.nsn.us or (928) 734-3131 should you have any questions. Thank you.

C: Office of the Chairman
Office of the Vice Chairman
Office of the Treasurer
Office of Financial Management
Office of the Executive Director
Office of Contracts & Grants
Department of Education & Workforce Development
Office of the General Counsel
File

HOPI TRIBAL COUNCIL
RESOLUTION
H-027-2022

WHEREAS, the Constitution and By-Laws of the Hopi Tribe, ARTICLE VI - POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a), authorizes the Hopi Tribal Council “To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe, . . .”; and

WHEREAS, the Hopi Tribe is responsible to ensure that every child on Hopi be afforded an education in an academically challenging, culturally responsive, and accountable education system; and

WHEREAS, on August 7, 2019, the Hopi Tribal Council asserted its sovereign and fiduciary responsibilities for Hopi education and enacted a Hopi Education Code (“Code”), to establish a comprehensive and unified Hopi School System for Hopi’s Tribally Controlled Schools which shall be overseen by the Hopi Board of Education (“HBE”); and

WHEREAS, the HBE, appointed by the Hopi Tribal Council under Section 4.1.F of the Code, has begun to implement transition processes and establish policies and procedures for the Hopi School System; and

WHEREAS, the HBE is organized as a Hopi Tribal Regulated Entity; and

WHEREAS, Section 4.10.A of the Code requires the HBE to draft Bylaws to establish rules of procedure and internal governance for the HBE; and

WHEREAS, in accordance with Section 4.10.A of the Code, the HBE drafted Bylaws to govern its operations and adopted these Bylaws by a unanimous vote on March 16, 2022 at a duly-held public meeting; and

HOPI TRIBAL COUNCIL
RESOLUTION
H-027-2022

WHEREAS, Sections 2.5 and 4.10.B of the Code require the HBE to submit its adopted Bylaws to the Hopi Tribal Council for approval; and

WHEREAS, in accordance with Sections 2.5 and 4.10.B of the Code, the HBE has submitted its adopted March 16, 2022 Bylaws to the Hopi Tribal Council for approval in Attachment A; and

WHEREAS, the Hopi Tribal Council finds that the HBE Bylaws adopted on March 16, 2022 satisfy the requirements of the Code.

NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council approves the Hopi Board of Education's March 16, 2022 Bylaws attached and incorporated herein in Attachment A and hereby makes them effective.

BE IT FINALLY RESOLVED that except as otherwise stated herein, this Resolution shall supersede and replace all prior resolutions of the Hopi Tribal Council that are inconsistent, or in conflict with the intent, purpose and provision of this Resolution.

HOPI TRIBAL COUNCIL
RESOLUTION
H-027-2022

CERTIFICATION

The Hopi Tribal Council duly adopted the foregoing Resolution on May 3, 2022 at a meeting at which a quorum was present with a vote of 18 in favor, 0 opposed, 0 abstaining (Vice Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of adoption and does not require Secretarial approval.



Craig Andrews, Vice Chairman
Hopi Tribal Council

ATTEST:



Judith Youvella, Tribal Secretary
Hopi Tribal Council

ATTACHMENT A

HOPI BOARD OF EDUCATION

BYLAWS

ADOPTED ON

MARCH 16, 2022



HOPI SCHOOL SYSTEM

HOPI BOARD OF EDUCATION

BYLAWS

HOPI BOARD OF EDUCATION ADOPTED: 03/16/2022

HOPI TRIBAL COUNCIL APPROVED: 05/03/2022



HOPI BOARD OF EDUCATION BYLAWS

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HOPI BOARD OF EDUCATION

BYLAWS

ARTICLE I ORGANIZATION

Section 1.1 Establishment of the Hopi School System and Hopi Board of Education

- 1.1.A On August 7, 2019, the Hopi Tribal Council (hereinafter “Council”) enacted the Hopi Education Code (hereinafter “Code”) by Tribal Resolution H-061-2019. In the Code, the Council established the Hopi School System as the collective and unified governance structure of all schools on the Hopi Reservation organized under the Tribally Controlled Schools Act, Pub. L. No. 100-297, or the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638. Code, secs. 1.5.A(22), 3.1.A, 3.3.A.
- 1.1.B The Council established the Hopi Board of Education (hereinafter “Board”) as an independent, Tribal Regulated Entity and delegated all governance functions, powers, duties, rights and responsibilities to the Board to assume operation of the Hopi School System. Code, secs. 4.1.A, 4.1.B.
- 1.1.C The Board and all entities of the Hopi School System are subject to and shall follow the Hopi Constitution, Hopi Education Code, these Bylaws, the Hopi School System’s Code of Ethics and Policies and Procedures, and other applicable laws and regulations.

Section 1.2 Bylaws Effective upon Approval by Hopi Tribal Council

- 1.2.A The Code requires the Board to adopt Bylaws to establish rules of procedure and internal governance of the Board. Code, sec. 4.10.A.
- 1.2.B The Board’s Bylaws shall become effective upon approval by the Council. Code, secs. 2.5, 4.10.B.
- 1.2.C The Board may establish additional governance and organizational procedures in the Hopi School System Policies and Procedures and as otherwise needed to the extent they do not conflict with the Code, these Bylaws, the Tribally Controlled Schools Act, and other applicable laws and regulations.

Section 1.3 Duties and Responsibilities of the Board

The Board shall have the duties and responsibilities to oversee the educational and administrative functions of the Hopi School System as follows:

1.3.A General Provisions. The Board shall:

- 1.3.A(1) Build an educational foundation that is academically challenging, culturally responsive, and accountable to all students, teachers, staff, communities, and stakeholders of the Hopi School System;
- 1.3.A(2) Act in good faith and in the best interests of students to prepare them for all stages of learning from pre-school to college, vocational education, and career readiness;
- 1.3.A(3) Oversee development of effective educational policies, fiscal management, and administrative services for the Hopi School System;
- 1.3.A(4) Maintain the highest standards of integrity, courtesy, and professionalism towards each other, Hopi School System employees, students, parents, and the public;
- 1.3.A(5) Draft and approve a Hopi School System vision statement and mission statement in Hopilavayi and English;
- 1.3.A(6) Draft, approve, and update the Hopi School System Policies and Procedures;
- 1.3.A(7) Each year, approve a Hopi School System budget which shall be made public once it is approved;
- 1.3.A(8) Enter into contracts with and fund professional service providers and attorneys as deemed necessary to provide services to the Board and the Hopi School System;
- 1.3.A(9) Ensure that an audit of financial and business operations is conducted at the end of each fiscal year in accordance with applicable laws and regulations;
- 1.3.A(10) Complete the “Annual State of Hopi Education Report” and submit it to the Council, federal agencies, and the public (Code, sec. 5.5.C);
- 1.3.A(11) Adopt a Code of Ethics which shall apply to Board members, educators, local school board members, and all employees of the Hopi School System (Code, sec. 4.12);
- 1.3.A(12) Draft and approve a Comprehensive 5-year and 10-year Hopi Education Plan in consultation with education stakeholders (Code, secs. 4.9.D(2), 6.6.P, 13.4.A); and
- 1.3.A(13) Provide students, parents, staff, the public, and other stakeholders with the opportunity to provide input into school operations and programs.

1.3.B Control of Funds.

- 1.3.B(1) The Board shall be the legal custodian of all funds and other financial assets provided to or acquired by the Hopi School System and shall ensure that accurate and complete financial records of such funds and financial assets are maintained. Code, sec. 2.3.A.
- 1.3.B(2) All funds received by the Board shall be used exclusively for educational purposes and used to support operations of the Hopi School System. All funds shall be deposited in banks or other depositories as the Board designates and shall be under the direct control of the Board. Code, sec. 2.3.A.
- 1.3.B(3) The Board shall ensure that payments to vendors are made in a timely manner for services and materials provided to the Hopi School System and the schools.
- 1.3.B(4) All checks, drafts, or orders for payment issued in the name of the Hopi School System for legitimate indebtedness shall be signed by an authorized Board signatory and countersigned by the Chief School Administrator.
- 1.3.B(5) The Board may invest school funds in insured investment portfolios and in accordance with the Tribally Controlled Schools Act, Pub. L. No. 100-297, as applicable.

1.3.C Official and Public Statements. Official and public statements by Board members carry great weight with the community at large and may affect the welfare of many people. Any public statement, whether an official statement of the Board or a public statement by a Board member, shall:

- 1.3.C(1) Support the philosophy, policy and procedure officially adopted by the Board;
- 1.3.C(2) Support Board members, Hopi School System employees, and students;
- 1.3.C(3) Be fair, accurate and objective;
- 1.3.C(4) Be devoid of any personal opinion expressed to create or influence public opinion; and
- 1.3.C(5) Not divulge private, personal, or confidential information.

1.3.D All Other Duties and Responsibilities. Board duties and responsibilities shall include all other duties set forth in the Code, these Bylaws, Hopi School System Policies and Procedures, and as otherwise established for the operation of the Hopi School System.

Section 1.4 Central Administration Office as the Principle Place of Business

- 1.4.A The Board's principle place of business shall be the Central Administration Office, which shall provide administrative services to all Hopi schools. Code, sec. 3.3.C.
- 1.4.B The principle place of business shall store all records of the Board, except as otherwise specified by the Board for the proper operation of the Hopi School System.

Section 1.5 Relationship with the Chief School Administrator

- 1.5.A The Board shall hire and assign the daily administration and operations of the Hopi School System to the Chief School Administrator. Code, sec. 5.1.A. The Chief School Administrator shall be charged with overseeing, implementing, and enforcing all policies and procedures of the Hopi School System.
- 1.5.B The Chief School Administrator shall be held accountable to the Board for all aspects of the day-to-day operations of the Hopi School System, including but not limited to:
 - 1.5.B(1) Administration, supervision, curriculum and instruction, monitoring and evaluation, program compliance, transportation, facilities management, public relations, communications, financial operations, and program accountability; and
 - 1.5.B(2) Overseeing the management of the Central Administration Office staff and all other duties, reporting, and recordkeeping requirements set forth in Chapter 5 of the Code.
- 1.5.C The Board shall supervise and evaluate the annual performance of the Chief School Administrator in discharging his/her duties. Code, sec. 3.3.B.

Section 1.6 Conflict of Interest

- 1.6.A The Board seeks to assure that the judgment of its members, officers and employees be guided by a policy that defines and prohibits inappropriate conflicts or the appearance of a conflict.
- 1.6.B Neither the Board, nor an individual member of the Board, shall engage in activities that constitute a conflict between personal interests and the official interests of the Hopi School System. Prohibited activities and actions include, but are not limited to the following:
 - 1.6.B(1) Participation by an individual Board member in bringing influence to bear upon or advancing any Board decision regarding the employment of a person who is a "direct relative" of the Board member as defined in section 1.6.E of these Bylaws;

- 1.6.B(2) Contracting with or selling goods and/or services to the school while serving as a member of the Board;
 - 1.6.B(3) Using one's position as a member of the Board to bear influence upon an employee of the Hopi School System as a condition of employment, or quid pro quo, either prior to or after hiring;
 - 1.6.B(4) Appropriation of materials, supplies, equipment, or other property of the Hopi School System for personal use or gain while serving as a member of the Board; and
 - 1.6.B(5) Interceding on behalf of students or employees who are family relatives or who are otherwise personally known to individual Board members.
- 1.6.C A Board member shall disqualify himself or herself anytime a conflict of interest arises or appears to arise on any matter for which the Board must make a formal decision. If the member refuses to recuse, the Board, the Chairperson, and/or presiding officer of the meeting shall not recognize that Board member's participation in the discussion and/or the vote on the item.
- 1.6.D The Board may draft additional conflict of interest and anti-nepotism policies in the Hopi School System Policies and Procedures applicable to the Board, the Chief School Administrator, principals, and any employee who has supervisory responsibilities.
- 1.6.E "Direct relative" means "parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live-in partner and a non-biological child through adoption or legal guardianship." Code, sec. 1.5.A(11).

Section 1.7 Computation of Time

All time periods set forth herein shall be computed according to the provisions of Rule 3 of the Hopi Rules of Civil Procedure.

Section 1.8 Severability

If any portion of these Bylaws shall be ruled invalid by a court of competent jurisdiction, that portion shall cease to be operative, but the remainder of these Bylaws shall continue in full force and effect.

Section 1.9 Indemnification

To the extent permitted by law, the Board may defend, indemnify, and hold harmless any person in the course of discharging his/her official Hopi School System duties imposed or authorized by law in connection with any claim or legal proceeding. Nothing herein shall be construed as obligating the Board to defend, indemnify, or hold harmless any person who engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

ARTICLE II MEMBERSHIP

Section 2.1 Board Membership

- 2.1.A All rights, powers, privileges, and interests of Board members shall be equal, except as otherwise set forth in these Bylaws, the Code, and Hopi School System Policies and Procedures.
- 2.1.B The elected Board shall be comprised of nine (9) members as follows:
 - 2.1.B(1) One (1) member shall be elected from each of the seven (7) attendance area designations for a total of seven (7) members; and
 - 2.1.B(2) Two (2) members shall be at-large members elected by the entire Hopi voting membership. Code, sec. 4.2.A(1)-(2).
- 2.1.C The interim Board shall consist of the number of members appointed by the Council as set forth in Section 4.1.F of the Code.

Section 2.2 Qualifications and Eligibility Requirements

The following qualification and eligibility requirements apply to Board members and candidates:

- 2.2.A The seven (7) Board members elected from each attendance area shall satisfy the following qualifications:
 - 2.2.A(1) Hold at least an Associate's degree in any field from an accredited institution with a preference of an education degree;
 - 2.2.A(2) At least twenty-five (25) years of age;
 - 2.2.A(3) Preferred to be an enrolled Hopi Tribal member, but it is not required;
 - 2.2.A(4) Not a member of the Hopi Tribal Council or a local school board;
 - 2.2.A(5) Successfully pass a background check as defined in this Code; and
 - 2.2.A(6) Not a current employee or direct relative of an employee of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System. Code, sec. 4.2.D(1)-(6).
- 2.2.B The two (2) at-large Board members shall satisfy the following qualifications:
 - 2.2.B(1) Hold at least a Bachelor's degree in education or education-related field from an accredited institution;

- 2.2.B(2) At least twenty-five (25) years of age;
- 2.2.B(3) An enrolled member of the Hopi Tribe;
- 2.2.B(4) Not a member of the Hopi Tribal Council or a local school board;
- 2.2.B(5) Successfully pass a background check as defined in this Code; and
- 2.2.B(6) Not a current employee or direct relative of an employee of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System. Code, sec. 4.2.E(1)-(6).

2.2.C Once the CSA is hired, the CSA shall determine whether candidates for the Board satisfy the Board's eligibility requirements. Code, sec. 4.2.F.

Section 2.3 Duties and Responsibilities of Board Members

- 2.3.A Board members shall attend all Board meetings and shall actively participate in discussion, deliberation, debate, and voting.
- 2.3.B Board members shall provide a reason for any absences which shall be documented in writing and maintained by the Chief School Administrator.
- 2.3.C Board members who are absent from three (3) or more consecutive duly held meetings, without a documented reason, shall be subject to the "Removal" provisions in Section 9.2 of these Bylaws.
- 2.3.D Board members shall provide reports to stakeholders as set forth in the Hopi School System Policies and Procedures.
- 2.3.E Individual Board members shall not issue directives, take action, or make representations on behalf of the Board or on the authority of their office unless they have been expressly authorized to do so by official action of the Board.

Section 2.4 Elections for Hopi Board of Education

Elections for the nine (9) Board members shall be conducted by the Hopi Election Board and the Hopi Elections Office. Code, sec. 4.2.B.

Section 2.5 Terms of Office

- 2.5.A The term of office for each elected Board member shall be four (4) years. The positions shall be staggered as follows:
 - 2.5.A(1) Four (4) of the elected members shall be for an initial two (2) year term, and four (4) years thereafter; and

- 2.5.A(2) Five (5) of the elected members shall be for an initial four (4) year term, and four (4) years thereafter. Code, sec. 4.3.A(1)-(2).
- 2.5.B The determination of which Board positions shall serve the initial two (2) and four (4) year terms shall be by drawing lots, except the two (2) initial at-large members shall not draw lots. The two (2) initial at-large members shall serve in two (2) of the five (5) member positions with an initial four (4) year term. Code, sec. 4.3.B.
- 2.5.C Board members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit. Code, sec. 4.3.C.
- 2.5.D All elected Board members shall begin their terms on January 1. Code, sec. 4.1.C.
- 2.5.E The term of office for the interim Board shall be as follows:
- 2.5.E(1) The term of office for the interim Board shall be three (3) years, or until the first elected Board is sworn in following the Board election in the Year 2024 (Code, sec. 4.1.F(5)); and
- 2.5.E(2) An interim Board member's term shall not count toward the Code's two (2) consecutive term limit for Board members (Code, sec. 4.1.F(7)).

Section 2.6 Training of Board Members

Board members shall receive training as identified by the Board in order to carry out their duties and responsibilities. Code, sec. 4.6.A(1)(i).

Section 2.7 Absence of Personal Liabilities

No Board member shall be personally liable for the debts, liabilities, or other obligations of the Hopi School System.

Section 2.8 Ex Officio Members

- 2.8.A The Director of the Hopi Department of Education and Workforce Development shall be appointed to the Board as an ex officio member and shall not have any voting rights or count towards quorum. Code, sec. 4.2.C.
- 2.8.B The Board may select additional ex officio members to provide information, observe, and support for activities, programs, and events. Ex officio members shall not be entitled to vote or be counted to form a quorum.

Section 2.9 Responsibility for Unacceptable Performance of Duties

In exercising any powers granted, Board members shall not be immune from any responsibility that results from willful, knowledgeable, or unacceptable performance of their duties. Code, sec. 4.13. Board members are subject to the removal and recall provisions in Article IX of these Bylaws.

Section 2.10 Vacancies

If a vacancy occurs within the Board membership due to death, resignation, or removal more than a hundred eighty (180) calendar days from the date of the next election:

- 2.10.A The Board shall offer the vacant Board seat to the runner up from the previous election for that Board seat. This runner up shall serve the remainder of the vacant Board member's term. Code, sec. 4.5.A.
- 2.10.B If there was no runner up in the previous election or the runner up is not able to serve, the Board shall call a special election within sixty (60) calendar days of the vacancy, and a new Board member shall be elected for the attendance area in which the vacancy occurred and shall serve the remainder of that term. Code, sec. 4.5.B.

ARTICLE III OFFICERS

Section 3.1 Officer Positions

- 3.1.A The Board shall select a Chairperson and Vice-Chairperson from amongst its members, and may select additional officers from amongst its members as it deems necessary. Code, sec. 4.2.H.
- 3.1.B The Board officers shall be selected at a duly held meeting through nomination and by majority vote of the Board members present.
- 3.1.C The Board shall select its officers at the first meeting in January following a regular election. Code, sec. 4.2.H.
- 3.1.D Board officers shall serve as officers until the January following the next election, which should occur every two (2) years, when the Board shall select new officers. Code, sec. 4.2.I.
- 3.1.E If a Board member's term extends beyond his/her position as an officer, the member shall serve the remainder of his/her term as a non-officer. Code, sec. 4.2.I.

Section 3.2 Duties of the Chairperson and Vice-Chairperson

3.2.A Chairperson. The Board Chairperson shall:

- 3.2.A(1) Prepare an agenda for all Board meetings in consultation with the Chief School Administrator (Code, sec. 4.7.A(1));
- 3.2.A(2) Serve as and fulfill all duties of the presiding officer at all Board meetings, oversee Board functions, and provide guidance to the Board and its members (Code, sec. 4.7.A(2));
- 3.2.A(3) Not make motions;
- 3.2.A(4) Vote only in a case of a tie (Code, sec. 4.2.J);
- 3.2.A(5) Prepare necessary documents in consultation with the Chief School Administrator and sign correspondence as needed;
- 3.2.A(6) Represent the Board at events when approved by Board members at a duly held meeting; and
- 3.2.A(7) Appear before Council to present action items and resolutions, annual reports, or as otherwise requested by the Council.

3.2.B Vice-Chairperson. The Board Vice-Chairperson shall have the following duties:

- 3.2.B(1) Perform all Chairperson functions in the absence of the Chairperson (Code, sec. 4.7.C);
- 3.2.B(2) If serving as the presiding officer at a duly held meeting, the Vice-Chairperson may vote only in the event of a tie;
- 3.2.B(3) When not serving as the presiding officer, the Vice-Chairperson shall have voting power;
- 3.2.B(4) Sign correspondence if the Chairperson is unavailable; and
- 3.2.B(5) Assist the Chairperson with reports, action items/resolutions, and other matters before the Council.

Section 3.3 Officer Vacancies

- 3.3.A An officer may choose to resign his/her officer position without cause.
- 3.3.B If an officer resigns his/her position as an officer, such resignation shall be in writing and provided to the Chairperson of the Board or to the Vice-Chairperson if the Chairperson is the officer resigning his/her officer position.

- 3.3.C Upon receiving a written resignation of a Board member's officer position, the officer position shall be filled from amongst the remaining Board members through nomination and by majority vote of the Board members present at the next regularly scheduled meeting.
- 3.3.D Any Board member who resigns his/her officer position shall continue to serve as a Board member for the remainder of his/her term.

ARTICLE IV MEETINGS

Section 4.1 Meeting Procedures

- 4.1.A General Provisions. All Board meetings shall be held as set forth in the Code, these Bylaws, and the Hopi School System Policies and Procedures and shall include the following procedures:
 - 4.1.A(1) An agenda shall be prepared for all meetings following the Order of Business set forth in Article VI of these Bylaws and shall be publicly posted on the Hopi School System website and provided to Board members as set forth in this section;
 - 4.1.A(2) All meetings of the Board where official action is taken shall be public (Code, sec. 4.14.C);
 - 4.1.A(3) During regular meetings, an opportunity shall be made available for the public to speak on any issue on the Board's agenda during the "Public Comments" section (Code, sec. 4.14.F);
 - 4.1.A(4) No action or response to public comments is required from the Board, and the Board may refer matters raised by the public to the Chief School Administrator for study and recommendation; and
 - 4.1.A(5) Members of the Board may conduct official business only during a duly held meeting at which quorum is present as follows:
 - 4.1.A(5)(a) Quorum shall be required to begin a meeting of the Board and shall be a majority of those members serving on the Board, one of whom shall be an officer (Code, sec. 4.14.D);
 - 4.1.A(5)(b) An act of a majority of the Board members present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by the Code, these Bylaws, or law (Code, sec. 4.14.E);

- 4.1.A(5)(c) Roll call shall be called at the scheduled meeting time to obtain a quorum. If no quorum is obtained, a second roll call shall be taken fifteen (15) minutes after the first roll call;
 - 4.1.A(5)(d) Ex officio members shall not be counted in obtaining a quorum; and
 - 4.1.A(5)(e) If no quorum is established, the Board may make a motion to recess, take measures to obtain a quorum, adjourn, or may continue with informal discussion but no substantive business shall be considered.
- 4.1.B Minutes. The Board shall keep an accurate and official record of its meetings and shall prepare official written minutes of votes, quorum count, and other significant actions taken. Code, sec. 4.6.A(4)(c). Verbatim minutes are not required. Recordings of meetings may be made for use in the construction of the minutes, but shall not constitute official records of the Board. Official minutes shall be available for approval at the next regular meeting of the Board. Official minutes of the Board are public records and shall be made available for review upon reasonable request by a member of the public. The Hopi School System may charge a fee for copies of Board minutes.
- 4.1.C Regular Meetings. The Board shall select one day of the month to conduct its regular Board meetings which shall recur on the same day and time each month, for example, on the first Monday of each month. Code, sec. 4.14. A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to Board members at least twenty-four (24) hours in advance of the meeting. Regular Board meetings shall be held at the Central Administration Office, at local schools, or as otherwise needed.
- 4.1.D Special Meetings. Special meetings may be called by the Chairperson or by a majority of Board members in writing or present at a duly held Board meeting to address important or time sensitive matters. Code, sec. 4.14.H(1). A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to Board members at least forty-eight (48) hours in advance of the meeting. Code, sec. 4.14.H(2). There shall be no public comment required at special meetings.
- 4.1.E Emergency Meetings. Emergency meetings may be called by agreement of the Chairperson and the Vice-Chairperson to address unforeseen circumstances or other matters requiring immediate Board action. A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to Board members as soon as possible. There shall be no public comment required at emergency meetings.

- 4.1.F Work Session Meetings. Work session meetings may be called by the Chairperson or by a majority of Board members in writing or present at a duly held Board meeting to discuss policies, meet with consultants, conduct training, and study other issues important to the Hopi School System. The Board shall not make any formal decisions while in work sessions. The public may be invited to and speak at work sessions at the discretion of the Board.
- 4.1.G Cancelling or Rescheduling Meetings. The Chairperson may with good cause cancel or reschedule meetings. Board members shall be notified at least twenty-four (24) hours of a cancellation. Rescheduling a meeting shall be at the discretion of the Chairperson.
- 4.1.H Executive Session. Executive session of the Board may be called to review materials or to discuss, but not act upon, sensitive or confidential matters. Executive sessions shall not be open to the public. Code, sec. 4.14.C.

Section 4.2 Virtual and Telephone Meetings

- 4.2.A When public health, emergency, or other important needs are present, the Board may conduct its meetings virtually and/or by telephone.
- 4.2.B When holding meetings pursuant to this section, Board members must be able to clearly hear one another and shall be deemed present for quorum and stipend purposes.

Section 4.3 Board Expenses and Compensation

- 4.3.A Each year, the Board shall approve a budget for all its travel, training, and other Board expenses in accordance with the Tribally Controlled Schools Act and other federal funding requirements applicable as Bureau of Indian Education-funded schools. Code, secs. 4.16.A, 4.16.C.
- 4.3.B The Board's budget, expenses and stipends shall be included in the Hopi School System annual audit and the Annual State of Hopi Education Report. Code, sec. 4.16.B.
- 4.3.C Board members shall receive a stipend for discharging their duties as Board members as follows:
 - 4.3.C(1) Board members' compensation for participation in Board meetings shall be one hundred dollars (\$100) per regular, special, emergency and work session meetings;
 - 4.3.C(2) **Before** the transition to the unified Hopi School System is complete, Board members, once they are sworn in, shall be compensated up to four (4) meetings per month;

- 4.3.C(3) **After** the transition to the unified Hopi School System is complete, the Board may hold as many meetings as needed per month, but shall only be compensated for up to two (2) meetings per month, which shall include one (1) regular meeting and one (1) special, emergency or work session meeting; and
- 4.3.C(4) The Board shall review the compensation rate every two (2) years, and may modify the rate as determined appropriate, and if the Board meeting compensation rate is modified, the Board shall include such modification in its Annual State of Hopi Education Report to the Council. Code, sec. 4.16.D.
- 4.3.D After the transition to the unified Hopi School System is complete, Board members may be compensated for meetings with and work provided to local entities (e.g., local school boards and villages), subject to the availability of funds.

ARTICLE V RULES OF ORDER

Except as otherwise provided herein or in the Hopi School System Policies and Procedures, meetings of the Board shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

ARTICLE VI ORDER OF BUSINESS

Section 6.1 Order of Business

- 6.1.A A regular meeting agenda of the Board shall state the type of meeting, date, time, location, and include the following order of business:
 - A. Call to Order
 - B. Roll Call
 - C. Blessing and Welcome
 - D. Approval of Agenda
 - E. Approval of Minutes
 - F. Public Comments
 - G. Correspondence
 - H. Reports
 - I. Unfinished Business
 - J. New Business
 - K. Announcements/Next Meeting
 - L. Adjournment

6.1.B A special, emergency, or work session meeting agenda of the Board shall state the type of meeting, date, time, location, and include the following order of business:

- A. Call to Order
- B. Roll Call
- C. Blessing and Welcome
- D. Approval of Agenda
- E. Special/Emergency/Work Session Business
- F. Adjournment

Section 6.2 Amendment to Order of Business

The Board may amend the Order of Business or the Agenda with a majority vote of the Board members present at a duly held meeting and at which quorum is present.

ARTICLE VII VOTING

Section 7.1 Members entitled to Vote

- 7.1.A Each Board member shall have one (1) vote per item at all duly held meetings. Code, sec. 4.2.G.
- 7.1.B The Chairperson of the Board or the presiding officer of a meeting shall vote only to break a tie vote. Code, sec. 4.2.J.
- 7.1.C Ex officio members do not have voting rights. Code, sec. 4.2.C.

Section 7.2 Manner of Voting

- 7.2.A The general procedure for voting shall be by voice vote. Any Board member may call for a roll call vote. Votes taken during Board meetings shall be entered in the minutes on all questions or action items called by the Chairperson. Abstentions from voting shall be recorded.
- 7.2.B All action items shall be numbered with a number and year (e.g., #01-2022) and maintained in Board records.
- 7.2.C Voting by proxy shall not be permitted.
- 7.2.D The Chairperson or presiding officer of a meeting may approve the manner of voting to the extent they do not conflict with these Bylaws or Hopi School System Policies and Procedures.

ARTICLE VIII COMMITTEES

Section 8.1 Establishment of Committees

8.1.A Section 4.9.D of the Code requires the Board to establish the following short and long term Committees and provides a short description of them:

8.1.A(1) Policies and Procedures Committee;

8.1.A(2) Strategic Planning Committee;

8.1.A(3) Evaluations Committee;

8.1.A(4) Hopilavayi Committee;

8.1.A(5) Behavioral Wellness Committee;

8.1.A(6) Separating Junior High Committee;

8.1.A(7) Hopi Youth Committee; and

8.1.A(8) Hopi Education Standards, Assessments, and Accountability Committee.

8.1.B The Board may create additional short and long term “Committees” and “Subcommittees” to address and focus on education related issues. Code, sec. 4.9.A.

8.1.C The Committees shall not have authority to make decisions on behalf of the Board and shall serve as fact-finding, advisory, and recommending bodies to the Board. Code, sec. 4.9.A.

Section 8.2 Committee Membership

Committee membership may include, but not be limited to: Board members, principals, educators, parents, field specialists, service providers and professionals, business managers, students, elders, Hopi Tribal employees, and community members. Total Committee membership shall not exceed six (6) members and shall not be less than four (4) members. Code, sec. 4.9.B.

Section 8.3 Committee Procedures

Committee members shall be appointed to a Committee by a majority vote of Board members present at a duly held meeting of the Board. Board members may make their own Committee nominations for the Board to consider. Local school boards, local schools, and other Stakeholders may also submit Committee nominations. The Board shall provide thirty (30) calendar days public notice of the establishment of a Committee. Code, sec. 4.9.C. The Board may establish additional procedures to create and operate these Committees in the Hopi School System Policies and Procedures.

ARTICLE IX RESIGNATION, REMOVAL AND RECALL

Section 9.1 Resignation from the Board

A member who wishes to resign from the Board shall utilize the following process:

- 9.1.A An **elected** Board member shall submit a letter of resignation to the Board through the Chief School Administrator. The Chief School Administrator shall provide copies of the letter of resignation to the Chairperson of the Board or Vice-Chairperson of the Board if the resignation letter is from the Chairperson. A letter of resignation shall indicate the time and date the resignation is to take effect. If the resignation does not specify an effective date, the effective date shall be 5:00 p.m. on the date it is received by the Chief School Administrator.
- 9.1.B An **interim** Board member appointed under Section 4.1.F of the Code shall submit a letter of resignation to the interim Board. The interim Board shall submit the letter to the Hopi Tribal Council through the Hopi Tribal Secretary after the interim Board acknowledges receipt of the resignation. A letter of resignation shall indicate the time and date the resignation is to take effect. If the resignation does not specify an effective date, the effective date shall be 5:00 p.m. on the date it is received by the Hopi Tribal Secretary.

Section 9.2 Removal from the Board for Cause

- 9.2.A Board members, elected or appointed, may be removed by the Council for cause, including but not limited to: serious neglect of duty, unexcused absence from three (3) or more meetings, repeated failure to perform tasks properly assigned to the member, or being found guilty of a felony. Code, sec. 4.4.
- 9.2.B The Board member shall be given written notice of the charges against him/her. The Council shall hold a hearing in which the member has an opportunity to defend him/herself before the Council. The Hopi Tribal Council Secretary shall provide written notice of the Council hearing, including time and place, to the Board member at least ten (10) calendar days prior to said hearing.

Section 9.3 Recall

Board members holding office by election or appointment are subject to recall by the filing of a recall petition under the following process:

- 9.3.A A petition may only be circulated one year after a Board member has been sworn into office and may not be circulated in the last six (6) months of a Board member's term of office;
- 9.3.B A petition may be circulated for no more than thirty (30) calendar days;

- 9.3.C A petition shall contain a statement of not more than two hundred (200) words stating the grounds for recall, which must include conviction of a felony, act(s) of malfeasance, violation of oath of office, failure to perform prescribed duties, or willful misuse, conversion or misappropriation of public property or funds;
- 9.3.D A petition shall contain at least seventy-five (75) signatures of eligible voters of a Board member's attendance area;
- 9.3.E A petition shall be submitted to the Office of the Chief School Administrator;
- 9.3.F The Office of the Chief School Administrator shall date stamp receipt of the petition and provide it to the Chief School Administrator who shall submit it to the Chairperson of the Board;
- 9.3.G Duplicate signatures on a recall petition are not valid and shall be stricken;
- 9.3.H The Board shall review the reason for the recall petition and, if deemed valid, shall authorize the Hopi Elections Office to conduct a "recall election" within sixty (60) calendar days of receiving the recall petition;
- 9.3.I Cancellation of a recall election shall not be permitted once the recall election has been ordered to be held;
- 9.3.J A recall petition shall pass if a majority of voters in the special recall election vote in favor of the petition;
- 9.3.K If a recall petition fails to pass in the election, no further recall petition shall be filed against the same Board member during the term for which he/she was elected or appointed;
- 9.3.L Any person who knowingly gives or receives money or any other thing of value for signing a recall petition, excluding payments made to a person for circulating such petition, is guilty of a serious offense (see Hopi Code 3.9.2(A)-(B) (Bribery));
- 9.3.M Any person who knowingly induces or compels any other person, either directly or indirectly or by menace or threat that he/she will or may be injured in his/her business, or discharged from employment, or that he/she will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his/her name to a recall petition, or, after signing or subscribing his/her name, to have his/her name taken therefrom, is guilty of a serious offense (see Hopi Code 3.9.3 (Extortion)); and
- 9.3.N A person knowingly signing any name other than his/her own to a petition, except in a circumstance where he/she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his/her own name, because of physical infirmity or knowingly signing his/her name more than once for the same recall issue, at one election, or who knowingly is not at the time of signing an eligible voter, is guilty of a serious offense (see Hopi Code 3.9.4 (Forgery)).

ARTICLE X AMENDMENTS

Section 10.1 Amendments by the Board

These Bylaws may be amended by a majority of the Board members present at any duly held meeting of the Board.

Section 10.2 Amendments to be presented to the Hopi Tribal Council

The Board shall present any amendments to these Bylaws to the Hopi Tribal Council for approval by Tribal Resolution. Amendments shall become effective upon approval by the Council. See Code, secs. 2.5, 4.10.B.

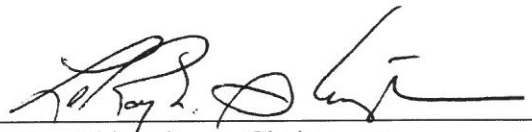
Section 10.3 Future Hopi Education Code Amendments

10.3.A These Bylaws shall be updated to reflect any relevant amendments to the Code made by the Council.

10.3.B Any updates to these Bylaws made pursuant to Section 10.3.A shall be approved by the Board, and shall be provided to the Council for the Council's information and shall not require additional Council approval.

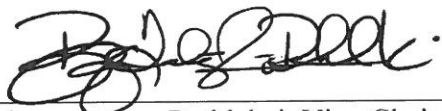
HOPI BOARD OF EDUCATION CERTIFICATION OF ADOPTION

The Hopi School System Hopi Board of Education adopted the foregoing HOPI BOARD OF EDUCATION BYLAWS, on this 16th day of March, 2022 at a duly held meeting at which a quorum was present with a vote of five (5) in favor, zero (0) opposed, and zero (0) abstaining (Chairperson presiding and not voting).



LeRoy Shingoitewa, Chairperson
Hopi Board of Education

ATTEST:



Ronya Talayumptewa-Peshlakai, Vice-Chairperson
Hopi Board of Education