

ORDINANCE 36
HOPI EDUCATION CODE:

**AN ORDINANCE TO ESTABLISH A
COMPREHENSIVE HOPI
EDUCATION SYSTEM**

ENACTED
AUGUST 7, 2019

(ORDINANCE 36)

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Legislative History

Ordinance 36 was initially adopted on May 4, 1981 by Resolution H-33-81. The ordinance was repealed and replaced by the current Ordinance 36 on August 7, 2019 per Resolution H-061-2019. The Ordinance was amended on November 19, 2019 per Resolution H-080-2019, and on August 5, 2020 per Resolution H-057-2020, and on June 10, 2021 per Resolution H-025-2021, and on June 25, 2025 per Resolution H-041-2025.

(ORDINANCE 36)

HOPI EDUCATION CODE

AN ORDINANCE TO ESTABLISH A COMPREHENSIVE HOPI EDUCATION SYSTEM

ARTICLE 1. GENERAL PROVISIONS

Section 1.1 Enactment of the Hopi Education Code and Short Title

The Hopi Tribe hereby enacts into law this Hopi Education Code, which shall be known and cited as the "Hopi Education Code."

Section 1.2 Purpose

It is the intent and purpose of this Hopi Education Code to:

- A. Establish a comprehensive and unified Hopi School System which shall promote collaboration, consistency, and accountability among all schools and educational programs on the Hopi Reservation;
- B. Set forth Hopi educational priorities and the authorities and procedures for implementing those priorities; and
- C. Provide an educational foundation that will prepare Hopi students for all stages of learning from pre-school to college, vocational education, and career readiness.

Section 1.3 Findings and Declaration of Policy

A. Findings. The Hopi Tribe finds that:

- (1) Academic achievement levels, curriculum, assessments, and accountability measures at all local schools on the Hopi Reservation are in need of improvement and consistency.
- (2) Hopi elementary students are entering junior high school at varying levels of academic achievement.
- (3) The Hopi language is not offered as a consistent program or course in all local schools and pre-schools on the Hopi Reservation. Hopi language, civics, and history curricula have not been fully developed or implemented in any local school.
- (4) Due to the young age of many Hopi parents and the significant number of Hopi grandparents who are caring for their school-age grandchildren, parenting and family life skills and resources have been identified as a primary need in all local schools and pre-schools to encourage positive, effective parenting skills and increased parent and guardian involvement in local schools and pre-schools.
- (5) The federal government has a trust obligation to provide for the formal education of Hopi children. The federal government has attempted to fulfill this trust obligation to Hopi children by establishing and funding five elementary schools (grades K-6), one elementary school (grades K-8), and one junior senior high school (grades 7-12) on the Hopi Reservation. These seven (7) schools were originally operated by the Bureau of Indian Affairs, or later by the Bureau of Indian Education.
- (6) On May 4, 1981, the Tribal Council adopted Ordinance No. 36 by Tribal Council Resolution H-33-81, to provide a comprehensive education policy for all educational entities located on the Reservation and serving Hopi students.

- (7) On September 27, 1995, the Tribal Council amended Ordinance No. 36 directing the Hopi Board of Education to "[e]mploy a permanent staff as necessary to carry out the purposes of this Ordinance, subject to the availability of funds." Tribal Council Resolution, H-115-95.
- (8) From 1991 to 2014, the Hopi Tribe applied for and received grants "to assume operation of Bureau-funded schools" under the Tribally Controlled Schools Act, Pub. L. No. 100-297 (1988). See 25 U.S.C. § 2502(a)(1)(C). All seven (7) of the Tribe's schools on the Reservation are now Tribally Controlled Schools funded by the Bureau of Indian Education.
- (9) In 2016, the Hopi Tribe received a Bureau of Indian Education Tribal Education Department Grant to examine and develop options for building Hopi's capacity to operate its schools. Hopi's Tribal Education Department Grant consisted of two parts: drafting a Feasibility Study which was conducted by Public Works, LLC and completed in May 2018; and drafting an education code that would update or replace Ordinance No. 36 to reflect that Hopi's seven (7) schools are now Tribally Controlled Schools.

B. Declaration of policy. It is hereby declared to be the policy of the Hopi Tribe that:

- (1) The Hopi Tribe recognizes that a Hopi child should be afforded an education in an academically challenging, culturally responsive, and comprehensive education system, and it is in the best interest of the Hopi Tribe to assert its sovereign and fiduciary responsibilities over the education systems on the Hopi Reservation to empower its people by the enactment of this Hopi Education Code.
- (2) In creating an effective and relevant formal education system on the Hopi Reservation, the Hopi School System shall address the whole child "from cradle to career" to include, but not be limited to:

- a. Academic and extracurricular opportunities for excellence and high expectations of students;
 - b. Proficiency in all basic academic and cognitive skills;
 - c. Proficiency in English language and knowledge of non-Hopi American culture, governments, economics, mathematics, science, and history;
 - d. Knowledge of Hopi language, culture, artistry, history, civics, economics, science, and environment; and
 - e. Development of skills in critical and solutions-based thinking, leadership, self-motivation, self-discipline, self-confidence, positive self-worth, and life-long learning skills.
- (3) Consistent curriculum, education standards, policies and procedures shall be adopted and implemented to prepare students to assume their responsibilities and perpetuate Hopi people, resources, language, culture, and history.
- (4) All standards and policies adopted by the entities under this Code shall be equal to or exceed applicable State or federal standards, while also serving to promote the traditional values, sovereignty, and self-determination of the Hopi Tribe.
- (5) A child's attendance at school is a critical component of academic success and daily attendance is necessary to ensure that all students will be empowered with the wisdom, knowledge, and skills to thrive in and beyond the Hopi educational system.
- (6) The Hopi Tribal Council, its agencies and departments, and the Hopi School System shall develop collaborative working relationships with each other, State and federal governments, and other appropriate organizations to improve the availability and implementation of educational services, programs, and initiatives for all Hopi students.

Section 1.4 Authority and Responsibility

- A. The Hopi Tribal Council has the authority to enact this Code as provided in Article VI, Section 1 (a), (g), and (l) of the Constitution and By-Laws of the Hopi Tribe.
- B. The Hopi Tribe is a people with a distinct political, economic, and cultural heritage and has the inherent authority to exercise its responsibility to the Hopi Sinöm for the education of Hopi students. As the Tribe's representative and governing body, the Tribal Council is charged with overseeing the Tribe's education laws and policies and holding educational institutions accountable so that students receive a quality education.
- C. The Hopi Tribal Council acknowledges and supports the expertise of the teachers, staff, and administrators of Hopi's schools and commits itself to collaborate with all education providers serving Hopi students to ensure the achievement of the Tribe's educational goals.
- D. To the extent they do not conflict with the provisions of this Code, all applicable laws, resolutions, and ordinances of the Hopi Tribe shall apply in the operation of all Hopi schools and educational institutions.
- E. In exercising its authority over formal education of the Hopi Sinöm, the Tribal Council does not sanction, intend, or cause any abrogation of the rights of the Tribe or its members based upon federal law, trust or citizenship, or the Tribe's inherent sovereign powers, nor does it diminish or remove any trust responsibility of the federal government, nor of the State government or political subdivision thereof, including the obligation to provide a formal education.
- F. The Hopi Tribe specifically claims for its people and holds the federal government responsible for the education of the Hopi Sinöm based upon the federal trust responsibility towards Indian tribes. For Hopi students who attend State public schools and other non-

Hopi schools, the Hopi Tribe claims its rights as citizens of the State of Arizona to a non-discriminatory public education.

Section 1.5 Definitions

A. Unless this Code otherwise indicates, the following definitions apply:

- (1) "Attendance Area Designation" or "Attendance Area" means the geographical area within which a specified local school provides educational services for students residing in that geographical area.
- (2) "Background check" means a determination of the character and suitability for employment for individuals whose Hopi School System duties and responsibilities allow them regular contact with or control over Hopi School System children, including but not limited to applicants, HBE members, local school board members, employees, and volunteers.
- (3) "BIE" means the Bureau of Indian Education.
- (4) "Central Administration Office" means the centralized office that is managed by the Chief School Administrator and provides administrative services for the benefit of local schools.
- (5) "Code" means the Hopi Education Code.
- (6) "Compulsory School Age" means a child who is not younger than five (5) years by the first day of September of the current school year, but who has not reached his or her eighteenth (18th) birthday. For those students who are evaluated as in need of special needs education, the "Compulsory School Age" means a child who is not younger than three (3) years by the first day of September of the current school year, but who has not reached his or her twenty-second (22nd) birthday.

- (7) "Corporal punishment" means inflicting deliberate physical pain or discomfort in response to undesired behavior by students.
- (8) "CSA" means the Chief School Administrator who is the Chief Operating Officer of the Hopi School System.
- (9) "Curriculum" or "curricula" means any course of study provided and prescribed for students.
- (10) "Department" means the Department of Education and Workforce Development of the Hopi Tribal government.
- (11) "Direct relative" means a 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.
- (12) "Education standards" means the learning objectives students should know and be able to do at each grade level which shall be adopted by the Hopi Board of Education and which shall focus on academically rigorous and culturally-relevant content.
- (13) "Educators" means teachers, faculty, scholars, administrators, counselors, and other professional staff of local schools.
- (14) "HBE" means the Hopi Board of Education which is the governing body created under this Code as a Tribal Regulated Entity having oversight of all local schools and related institutions within the Hopi School System. Once it is sworn in, the HBE shall be responsible for educational leadership of the Hopi School System and is empowered to act in an authoritative and policy-making capacity consistent with applicable Tribal, State, and federal law and this Code.

- (15) "Health and Education Committee" means the Health and Education Committee of the Hopi Tribal Council, including any successor Education Committee which is responsible to oversee and advise on education matters for the Hopi Tribe.
- (16) "HEIS" means the Hopi Education Information System which is a coordinated and uniform system of records that supports a comprehensive database for local schools and students.
- (17) "Home education" means a program of education authorized or supervised by a child's parent or legal guardian in the child's home.
- (18) "Hopi School System" means all local schools, local school boards, Central Administration Office, and Hopi Board of Education administered and operated as a unified school system within the exterior boundaries of the Hopi Reservation.
- (19) "Hopi Sinöm" means the Hopi people.
- (20) "Hopilavayi" means the language of the Hopi people.
- (21) "Local educational agencies" means "a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for the State's public elementary schools or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school." 25 U.S.C. § 2511(5).
- (22) "Local school" means Hopi's Tribally Controlled Schools serving kindergarten through 12th grade, or any part of that grade range, which receive financial assistance for their operation under a grant agreement with the Bureau of Indian Education under the

Tribally Controlled Schools Act, Pub. L. No. 100-297, or under Sections 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638 (1975).

- (23) "Local school board" means an elected body, serving in an advisory capacity, to a local school and is empowered to provide local representation, guidance, and support to the school, including an emphasis on the local culture, community, and economy.
- (24) "Parent" means anyone who is a parent or legal guardian of a student.
- (25) "Pre-school" means any early childhood program, including Head Start, located on the Reservation that regularly receives federal funds and serves Hopi children prior to entering kindergarten.
- (26) "Principal" means the administrative and educational leader for each local school.
- (27) "Reservation" means all land, air, waters, waterways, and natural resources within the exterior boundaries of the Hopi Tribe's Reservation as established by the Executive Order of Dec. 16, 1882 by President Chester A. Arthur, including any amendments or modifications thereto and the Moenkopi lands set aside by the Act of June 14, 1934, 48 Stat. 960.
- (28) "Stakeholders" means the Hopi Sinöm and others with shared values who aim to sustain, support, and continuously improve education on the Hopi Reservation and may include, but not be limited to parents or parent groups, students or student groups, community members or groups, tribal programs, and Hopi village representatives.
- (29) "State" means the State of Arizona, or any political subdivision thereof.
- (30) "Transition Period" means the period between the enactment of this Code and the effective date of the BIE's approval of the Hopi's Tribally Controlled Schools Act grant application.

- (31) "Transition Team" means the group of Hopi professionals and community members who shall facilitate the planning and implementation of the transition from the current organization of Hopi schools to the Hopi School System as set forth in Section 4.17.
- (32) "Tribal Chairman" means the independently elected Tribal Chairman of the Hopi Tribe as empowered and established by the Constitution and By-Laws of the Hopi Tribe.
- (33) "Tribal Council" means the Hopi Tribal Council, as empowered and established by the Constitution and By-Laws of the Hopi Tribe.
- (34) "Tribal Regulated Entity" means Hopi departments, programs, agencies, and authorities "which function under distinct ordinances, authorities, contracts and/or agreements" and are "delegate[d] responsibility for carrying out ... laws and policies to advance the best interest of the Hopi Tribe and its people." Tribal Council Resolution, H-118-2015, Section 1.H. The "Tribal Council retains the responsibility to conduct review and oversight in respect to whether these entities are executing the law and policy fully and effectively." *Id.*
- (35) "Tribally Controlled Schools" means those elementary schools, secondary schools, or dormitories which receive federal funds, grants, or awards to support the operation and administration of schools under the Tribally Controlled Schools Act, Pub. L. No. 100-297, or under the Sections 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638.
- (36) "Tribally Controlled Schools Act" means the Tribally Controlled Schools Act, Pub. L. No. 100-297 (1988) (codified at 25 U.S.C. §§ 2501-2511).
- (37) "Tribe", "Tribal", or "Hopi Tribe" means the Hopi Sinöm and resources as a whole, considered as a distinct cultural, geographical, sovereign, and political entity.

Section 1.6 Hopi Preference and Indian Preference

- A. To ensure the survival and growth of the Hopi Tribe as a people with a distinct language, culture, and a domestic economic base, the HBE shall require Hopi and Indian preference in employment of all school, educational, and administrative personnel within the Hopi School System. This requirement applies to all educators, counselors, administrators, and support personnel seeking to serve the linguistically and culturally unique children of the Hopi Tribe.
- B. Hopi preference and Indian preference shall have the following meanings:
 - (1) "Hopi preference" means that in the recruitment, employment, retention, and promotion of personnel, preference is given to an enrolled Hopi candidate so long as the Hopi candidate satisfies the position description and is equally qualified as non-Hopi candidates.
 - (2) "Indian preference" means that in the recruitment, employment, retention, and promotion of personnel, preference is given to a qualified American Indian candidate over non-Indian candidates so long as the Indian candidate satisfies the position description and is equally qualified as non-Indian candidates.
- C. The Hopi and Indian preference policy shall only apply to a hiring decision when all the candidates for a particular position are equally qualified. If the candidates are not equally qualified, the position shall be offered to the most qualified candidate, irrespective of the Hopi and Indian preference policy.
- D. Whenever application of the Hopi preference policy does not result in the selection of a Hopi candidate, the Indian preference policy shall be applied to any remaining non-Hopi candidates. When neither a Hopi nor Indian candidate is deemed equally qualified, the

position shall be offered to the candidate with the highest qualifications in accordance with established hiring policy and practice.

- E. In seeking educational, administrative, and support personnel, the Hopi School System shall publicly announce the Hopi and Indian preference policy, and shall include within the position description, a preference for candidates who have knowledge and familiarity with Hopi language, culture, and people.
- F. All entities of the Hopi School System responsible for hiring shall comply with this hiring policy in regard to the recruitment, employment, promotion, and retention of all personnel.
- G. Local school boards and/or Principals may make recommendations to the HBE to waive the Hopi and Indian preference policy in individual cases. HBE may waive the requirements of this Section by a majority vote. Such waiver may apply only to an individual employment, retention, or promotion decision on a case-by-case basis. If a waiver occurs, HBE shall make a written record of the occurrence for inclusion in the official minutes of the HBE.

Section 1.7 Severability

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

Section 1.8 Reference to the Code includes Amendments

When reference is made to this Code, the reference shall apply to all amendments and additions made to the Code.

Section 1.9 Inconsistent Ordinances and Resolutions

- A. To the extent any provision of this Code conflicts with any other Tribal law or regulation regarding education within the exterior boundaries of the Reservation, such other law or regulation is superseded, and this Code shall govern.

- B. Tribal Council Resolution H-33-81, Ordinance No. 36, and any amendments thereto are hereby repealed as of the effective date of this Code.

ARTICLE 2. TRIBAL COUNCIL

Section 2.1 Delegation of Authority

Tribal Council hereby delegates all governance authorities and responsibilities to the Hopi Board of Education, as established under this Code, to exercise full regulatory authority over all operations of local schools, which includes, but is not limited to education services, financial services, personnel, procurement, human resources, information technology, transportation, operations and maintenance, food and other administrative services related to the operation of the Hopi School System.

Section 2.2 Retained Oversight Authority

The Tribal Council, as the representative and governing body of the Hopi Tribe, retains its authority to conduct review and oversight of the Hopi School System to ensure it is fully and appropriately executing its policies and procedures, following sound fiscal policies, and providing effective educational services to Hopi students.

Section 2.3 Federal Funds for Educational Purposes Only

- A. All federal funding for the local schools shall be maintained in a separate bank account to be used exclusively for educational purposes and shall be under the direct control of the HBE. The Tribal Council shall not have access to or direct control over this account but shall be made aware of and have oversight of all expenditures, audits, and financial statements through the Annual State of Hopi Education Report, federal reporting requirements, and as may be necessary to fulfill the provisions of this Code.

- B. The Tribal Council maintains its oversight authority over the local schools, and if the Tribal Council becomes aware that mismanagement, disallowed costs, or other accounting malfeasance has occurred within the Hopi School System, the Tribal Council reserves its authority to take back direct control over the Hopi School System's federal funding and bank account(s).

Section 2.4 Exhaustion of Remedies

Any person shall first exhaust all Hopi School System remedies, appeals, policies and procedures, and compliance provisions of ARTICLE 18 or as otherwise developed pursuant to this Code prior to making any request to Tribal Council or a court of competent jurisdiction to review any education-related issue that arises within the Hopi School System.

Section 2.5 Bylaws to be Ratified by Hopi Tribal Council

The Hopi Board of Education bylaws shall be reviewed and ratified by the Hopi Tribal Council.

ARTICLE 3. HOPI SCHOOL SYSTEM

Section 3.1 Establishment of the Hopi School System

- A. The Hopi School System is hereby established as the collective organization of all local schools within the exterior boundaries of the Hopi Reservation. See Appendix A (Hopi School System Organizational Chart).
- B. As of the effective date of this Code, the Hopi School System shall specifically include the following local schools:
- (1) First Mesa Elementary School;
 - (2) Hopi Day School;
 - (3) Hotevilla/Bacavi Community School;

- (4) Keams Canyon Elementary School;
 - (5) Moencopi Day School;
 - (6) Second Mesa Day School; and
 - (7) Hopi Junior Senior High School.
- C. If additional Tribally Controlled Schools are established, these additional schools shall join the Hopi School System and come under its governance.
- D. In addition to bringing Hopi's local schools into a unified governance structure, the Hopi School System shall regularly collaborate with all educational institutions within the Hopi Reservation, including private schools, pre-schools, and adult education programs, to ensure that all educational programming and curriculum promote and foster lifelong learning, consistent policies, and rigorous educational goals for the Hopi Sinöm.

Section 3.2 Transition Period

- A. A Transition Period shall be undertaken to transition to the Hopi School System established by this Code.
- B. Until the Transition Period is complete, local schools and local school boards shall be administered under their existing governance structure, Tribal resolutions, and BIE grants, except:
- (1) Superseding any existing local school policy, local schools and local school boards shall be required to provide written notification to a contracted employee of the reason(s) based on statements of fact for a non-renewal determination of his or her contract; and
 - (2) As otherwise provided in this Code.
- C. During the Transition Period, all local school boards and local schools shall provide an accounting of all expenditures, budgets, financial statements, and audits to the Transition Team, and once it is established, to the new Hopi Board of Education.

- D. During the Transition Period, the Transition Team and the new Hopi Board of Education shall have the authority to approve or deny non-budgeted or unusual expenditures by a local school or local school board over \$5,000 prior to any funds being expended or committed by contract.

Section 3.3 Overview of Hopi School System

The Hopi School System shall be structured as follows:

- A. The Hopi Board of Education shall be established as a Tribal Regulated Entity to administer and govern the Hopi School System. The HBE shall determine education policies and procedures and shall oversee the operations of all local schools within the exterior boundaries of the Hopi Reservation.
- B. The Chief School Administrator shall serve as the Chief Operating Officer of the Hopi School System. The HBE shall hire, supervise, evaluate, and discharge the CSA who shall manage the Central Administration Office.
- C. The Central Administration Office shall provide administrative services to all local schools as set forth in this Code.
- D. A local school board shall be elected by each attendance area to implement education policies established by the HBE and to advise its local school on hiring recommendations, community and parental involvement, and other local school matters.
- E. Principals shall have day-to-day management authority over their local schools and shall implement education policies established by the HBE.

Section 3.4 Single BIE Grant

The Hopi School System shall be administered under a single Tribally Controlled Schools Act grant. Following the effective date of this Code, the Tribe and HBE shall apply to BIE to operate

its local schools under a single Tribally Controlled Schools Act grant. The Hopi School System's operation under a single Tribally Controlled Schools Act grant shall be scheduled to begin at the conclusion of the Transition Period.

Section 3.5 Geographical Boundaries of the Hopi School System

The geographical boundaries of the Hopi School System shall be the exterior boundaries of the Hopi Reservation. Any child(ren) who live on, near or adjacent to the Hopi Reservation shall be eligible to attend local schools of the Hopi School System.

Section 3.6 Federal Tort Claims Act applicable

As Tribally Controlled Schools, the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), 2671-2680, applies to claims of negligence or wrongful acts or omissions against the Hopi School System. The Federal Tort Claims Act limits any possible liability of the Hopi School System to claims under \$2,500. Any claims over \$2,500 shall be paid, if appropriate, from other federal funds available to settle claims (e.g., federal judgment funds).

Section 3.7 Mandatory Reporters

All Hopi School System employees, HBE members, and local school board members shall be considered "mandatory reporters" and shall comply with all mandatory reporting requirements and applicable laws regarding known or suspected neglect, sexual abuse, or other child abuse.

Section 3.8 Background Checks

A. The Hopi Tribe is committed to ensuring a safe and secure environment for Hopi School System students, employees, volunteers, and other personnel. All HBE members, local school board members, employees, applicants, volunteers, and other individuals whose

duties and responsibilities would allow them regular contact with or control over Hopi School System students, shall be subject to a thorough background check.

- B. In conducting background checks, the CSA shall make inquiries to federal, State, Tribal, and local law enforcement and other agencies, and shall ensure that the background check is completed and the results are included in the background check process.
- C. The HBE shall ensure that its background check policies and procedures satisfy the federal background check requirements for Tribally Controlled Schools, see 25 C.F.R. § 63.13, and for pre-schools, see 42 U.S.C. § 9858f(b). See also Pub. L. No. 101-630 (1990), and Pub. L. No. 101-647 (1990).
- D. Background checks shall be completed:
 - (1) For employees, within thirty (30) days of an employee's first day of employment with the Hopi School System; and
 - (2) For HBE and local school board members, thirty (30) days prior to the date of election for board membership with the Hopi School System.
- E. Successful passage of a background check includes but is not limited to an individual not having been found guilty of a felony, or not found guilty of or entered a plea of nolo contendere of any offense under federal, State, or Tribal law involving crimes of violence, prostitution, crimes involving a sexual offense, or crimes against a child.
- F. All individuals subject to a background check shall undergo a background check at least once every five (5) years.

ARTICLE 4. HOPI BOARD OF EDUCATION

Section 4.1 Creation of Hopi Board of Education as a Tribal Regulated Entity

- A. The Hopi Board of Education is hereby established as an independent, Tribal Regulated Entity, under the authority of Tribal Council Resolution H-118-2015, Section 1.H, for the purpose of overseeing the operation of the Hopi School System.
- B. The HBE shall be responsible for providing educational leadership, ensuring accountability, and acting in an authoritative and policy-making capacity consistent within applicable Tribal, federal, and State law.
- C. The Health and Education Committee, the Director of the Department of Education and Workforce Development, and the Transition Team officers shall determine the first election date of the Hopi Board of Education. Subsequent elections shall be held between November 1 and December 1 with elected members beginning their terms on January 1.
- D. The Hopi Board of Education established under Ordinance No. 36 shall be disbanded upon the date of the swearing in of the Hopi Board of Education established pursuant to this Code. A Hopi Tribal Judge shall administer the oath of office for the HBE members.
- E. The local school boards originally established under Ordinance No. 36 shall continue to operate and exercise their governing, fiscal, and oversight powers until such powers are transferred to the HBE at a time to be determined by the HBE as set forth in ARTICLE 6 of this Code. Upon this transfer, the new local school boards shall have the duties and responsibilities set forth in this Code.
- F. To provide for consistency of leadership through the entire transition process unifying the Hopi School System pursuant to this Code, the Hopi Tribal Council may appoint an interim Hopi Board of Education in lieu of an elected HBE upon receiving nominations by the Transition Team as follows:

- (1) The Transition Team shall submit nominees to the Hopi Tribal Council for review, approval, and appointment to the HBE.
- (2) Transition Team members shall lead the recruitment of nominees for appointment and shall inform local school boards, parents, and community members of the appointment process and the option to submit nominees to the Transition Team for consideration.
- (3) HBE nominees shall meet the qualification requirements of the HBE position for which they are applying as set forth in Sections 4.2.D (Attendance Area members) and 4.2.E (At Large members) of the Code.
- (4) The Hopi Office of Human Resources shall timely conduct background checks of all HBE nominees for appointment.
- (5) The interim HBE, which shall be a one-time Board, shall serve for a term of three (3) years, or until the first elected HBE is sworn in following the HBE election in the Year 2024.
- (6) Interim HBE members may run in the first HBE election to help ensure consistency and continuity on the HBE.
- (7) The interim HBE term shall not count toward the Code's two-term limit for HBE members.
- (8) Staggering of the HBE terms shall begin with the first HBE election and not with the interim HBE.
- (9) Any vacancies on the interim HBE shall be filled by the Hopi Tribal Council upon receiving a nomination from the Transition Team following the same process and procedures set forth in this section.
- (10) All provisions of the Code shall apply to the interim HBE. Where provisions refer to an "election" or an "elected" HBE member, these provisions shall apply to the interim

HBE as if they had been elected, unless such provisions are inconsistent with this section, in which case the provisions of this section shall govern.

Section 4.2 Organizational Membership

- A. The HBE voting members positions are comprised as follows:
 - (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) Two (2) members shall be at-large members elected by the entire Hopi voting membership.
- B. Elections for the nine (9) HBE members shall be conducted by the Hopi Election Board and the Hopi Election Office.
- C. The Director of the Department of Education and Workforce Development shall be appointed to the HBE as an ex officio member and shall not have any voting rights.
- D. The seven (7) HBE members elected from each attendance area shall satisfy the following qualifications:
 - (1) At least twenty-five (25) years of age;
 - (2) Preferred to be an enrolled Hopi Tribal member, but it is not required;
 - (3) Not a member of the Hopi Tribal Council or a local school board;
 - (4) Successfully pass a background check as defined in this Code;
 - (5) Not a current employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School System; and
 - (6) Not a direct relative of an employee who is employed by the attendance area school the member represents.
- E. The two (2) at-large HBE members shall satisfy the following qualifications:

- (1) Hold at least a Bachelor's degree in education or education-related field from an accredited institution;
 - (2) At least twenty-five (25) years of age;
 - (3) An enrolled member of the Hopi Tribe;
 - (4) Not a member of the Hopi Tribal Council or a local school board;
 - (5) Successfully pass a background check as defined in this Code; and
 - (6) Not a current employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School System.
- F. The Transition Team shall determine whether candidates for the HBE satisfy HBE's eligibility requirements. Once the CSA is hired, the CSA shall determine whether candidates for the HBE satisfy HBE's eligibility requirements.
- G. Each HBE member shall have one (1) vote at all regular and special meetings.
- H. Hopi Board of Education members shall vote for a Chairperson and Vice Chairperson of the Hopi Board of Education from amongst their voting members. The HBE may select additional officers from amongst their voting members as it deems necessary. The HBE shall select the Chairperson, Vice Chairperson, and any other officer position(s) at the first meeting in January following their election.
- I. The Chairperson, Vice Chairperson, and any other officer position(s) shall serve as officers until after the next election, when the HBE shall select new officers. If their term on the HBE extends beyond their position as officers, the member(s) shall serve the remainder of their term(s) as non-officer(s).
- J. The Chairperson of the HBE shall vote only in the event of a tie vote.
- K. If a Hopi Tribal Council member, local school board member, or employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School

System is elected to the HBE, he or she shall resign in writing from that position before he or she takes the oath of office as a member of the HBE.

Section 4.3 Terms of Office

- A. The term of office for each voting HBE member shall be four (4) years. The positions shall be staggered as follows:
- (1) Four (4) of the voting members shall be for an initial two (2) year term, and four (4) years thereafter; and
 - (2) Five (5) of the voting members shall be for an initial four (4) year term, and four (4) years thereafter.
- B. The determination of which HBE 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.
- C. Hopi Board of Education 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.

Section 4.4 Removal from the HBE

Hopi Board of Education members may be removed by the Tribal Council for cause and are subject to removal pursuant to the rules and procedures regarding removal of elected officials established in the HBE bylaws developed pursuant to this Code.

Section 4.5 Vacancy on the HBE

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

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

Section 4.6 Duties and Obligations of the Hopi Board of Education

- A. In consultation with local school boards and Principals, the HBE shall establish and oversee educational policy, fiscal management, and administrative services for all local schools within the Hopi School System. In addition to other duties stated in this Code, the duties and obligations of the HBE shall include, but are not limited to:
 - (1) Setting the direction and overseeing the Hopi School System by:
 - a. Relying on Hopi culture, philosophy and values to oversee the creation of a learning environment within all local schools that supports life-long learning, traditional dispute resolution systems, and community based learning;
 - b. Focusing curriculum and programming on academics, Hopi language, culture, and history, Hopi civics, the Reservation's natural resources and economies, health and nutrition, students' self-confidence and emotional well-being, and parenting and family life;
 - c. Determining the administrative areas which shall be centralized in the initial Central Administration Office, see Appendix A (Hopi School System Organizational Chart);
 - d. Maintaining awareness of local school board, local school, and pre-school matters;

- e. Ensuring that all local schools receive services based on their student enrollment and status as a Tribally Controlled School;
 - f. Resolving or causing to be resolved conflicts between local school boards;
 - g. Hiring an attorney to provide legal services and representation for all entities of the Hopi School System;
 - h. Negotiating cooperative agreements with local educational agencies located off the Reservation which teach Hopi students to meet the unique educational and culturally related academic needs of Hopi students;
 - i. Attending professional development training; and
 - j. Ensuring that all applicable Hopi, federal, and State education laws are followed.
- (2) Establishing policies and procedures and educational goals by:
- a. Drafting Hopi School System policies and procedures in accordance with this Code and as set forth in Section 4.11;
 - b. Creating a comprehensive program for special needs education; and
 - c. Ensuring that policies and procedures are properly implemented by local schools, local school boards, and all other entities of the Hopi School System.
- (3) Overseeing Hopi School System Employees:
- a. Hiring, supervising, evaluating, and discharging the CSA of the Hopi School System;
 - b. Approving or disapproving the hiring of Central Administration Office staff, who shall work under the supervision of the CSA to provide administrative services to the schools and implement Hopi School System policies and procedures;
 - c. Hiring and discharging Principals after reviewing recommendations from local school boards and the CSA;

- d. Developing policies and procedures to address employment disputes, which shall include, but not be limited to dismissal of educators, non-renewal of contracts, suspensions, violations of the Code of Ethics, due process protocols, and requests for hearings; and
- e. Approving or disapproving local schools' hiring recommendations for local school staff.

(4) Ensuring accountability to the Hopi Sinöm by:

- a. Overseeing the drafting of the Annual State of Hopi Education Report;
- b. Evaluating the CSA and setting policies for evaluation of other personnel;
- c. Keeping records and minutes of all meetings, which shall be prima facie evidence of the facts stated therein;
- d. Reviewing regular, monitoring, and evaluation reports from the CSA and local schools regarding the condition, needs, and progress of education services and staff on the Reservation;
- e. Serving as a judicial and appeals body;
- f. Evaluating HBE's own effectiveness through self-evaluation; and
- g. Providing written notice to the Tribal Council of any filed or potential litigation, mediation, or arbitration against any entity or employee of the Hopi School System. This notice shall be provided to the Tribal Council within seven (7) days of the HBE or a HBE member becoming aware of the filed or potential litigation, mediation, or arbitration.

(5) Review and approve annual appropriations and operating budgets for the Hopi School System, Central Administration Office, local school boards, and local schools consistent with this Code.

Section 4.7 Duties and Obligations of the Hopi Board of Education Chairperson and Vice-Chairperson

- A. The Hopi Board of Education Chairperson shall:
 - (1) Prepare an agenda for all HBE meetings in consultation with the CSA; and
 - (2) Preside over all HBE meetings and oversee HBE functions.
- B. If the Chairperson resigns or is removed from the HBE, a new Chairperson shall be selected at the first monthly meeting following the vacancy of the Chairperson.
- C. The Hopi Board of Education Vice-Chairperson shall perform all Chairperson functions in the event of the absence, resignation, or removal of the Chairperson.

Section 4.8 Hearings

The Hopi Board of Education shall have the power to hold public hearings on education related topics as needed.

Section 4.9 Committees

- A. The Hopi Board of Education may create short and long term "Committees" and "Subcommittees" to address and focus on specific, education related issues. The Committees shall not have authority to make decisions on behalf of the HBE and shall instead serve as fact-finding and advisory bodies to the HBE.
- B. Committee Membership may include, but not be limited to HBE members, Principals, educators, parents, field specialists/professionals, business managers, students, elders, Tribal employees, and community members. Total Committee membership shall not exceed six (6) members and not be less than four (4) members.
- C. Committee members shall be appointed to a Committee by a majority vote of a properly held meeting of the HBE. Hopi Board of Education members may make their own

Committee nominations for the HBE to consider, and local school boards, local schools, and other Stakeholders may also submit Committee nominations. HBE shall provide thirty (30) days public notice of the establishment of a Committee.

D. The Hopi Board of Education shall create the following short and long term Committees:

- (1) Policies and Procedures Committee: To research and lead effort to draft Hopi School System policies and procedures. HBE shall consider appointing Subcommittees under the Policies and Procedures Committee for certain substantive, topic areas, e.g., personnel policies, fiscal management, and operations and maintenance.
- (2) Strategic Planning Committee: To assist in strategic planning and creation of a Comprehensive 5-year and 10-year Hopi Education Plan. This Plan shall include a mission statement for the Hopi School System which shall address the significance of education for Hopi students, desired educational outcomes for students, and the role of the Tribe's sovereignty and jurisdiction over the schools within the Hopi Reservation.
- (3) Evaluations Committee: To assist with the creation of evaluation criteria, procedures, and due process protocols for Hopi School System employees.
- (4) Hopilavayi Committee: To assist in the creation of a comprehensive Hopi language, culture, and history curriculum and assessment program.
- (5) Behavioral Wellness Committee: To identify needs for behavioral health and social services within the schools and assist in the coordination of these services for the schools.
- (6) Separating Junior High Committee: To analyze and assist in the separation of seventh (7th) and eighth (8th) graders from the Hopi Junior Senior High School, which has been identified by Stakeholders as a significant need at the Hopi Junior Senior High School.

- (7) Hopi Youth Committee: To enable Hopi students to gather and identify issues of concern, share ideas and resources, help solve school and community issues, and develop self-confidence, identity, and responsibility.
- (8) Hopi Education Standards, Assessments, and Accountability Committee: To oversee development of Hopi's own standards, curriculum, assessments, and accountability measures by receiving a waiver from federal and State requirements.

Section 4.10 Bylaws

- A. The HBE shall adopt bylaws establishing rules of procedure and internal governance following the Hopi Board of Education's first swearing in.
- B. As soon as the bylaws are completed, the Hopi Board of Education shall submit the bylaws to the Hopi Tribal Council for approval and ratification.
- C. Recall and termination procedures for HBE members shall be specified in the bylaws.

Section 4.11 Policies and Procedures

- A. The HBE shall adopt Hopi School System policies and procedures following the hiring of the CSA. Once they are adopted, the policies and procedures shall be submitted to the Hopi Tribal Council for their information.
- B. In the event of a conflict between the Hopi School System policies and procedures and this Code, the terms of this Code shall govern.
- C. The HBE shall create a Policies and Procedure Committee to lead the development of the Hopi School System policies and procedures as described in Section 4.9.D(1). The HBE shall also consult with the CSA, local school boards, principals, educators, parents, and other Stakeholders, and consider special circumstances of local schools prior to final adoption of the policies and procedures.

- D. Hopi School System policies and procedures shall utilize traditional Hopi values and customs in the development of discipline and dispute resolution policies.
- E. Hopi School System policies and procedures shall prohibit corporal punishment as a form of discipline in any policy of the Hopi School System.
- F. The policies and procedures to be adopted by the HBE shall include, but not be limited to the following:
 - (1) An evaluation policy for all local school staff;
 - (2) A social media policy for the Hopi School System;
 - (3) A policy for expulsion of students and possible development of an alternate education school or program;
 - (4) A nepotism policy in hiring and staffing decisions;
 - (5) A policy establishing criteria for determining renewal and non-renewal of contract employees of the Hopi School System, which shall be based on performance, evaluations, and/or conduct, and shall include written notification to an employee of the reason(s) based on statements of fact for a non-renewal determination;
 - (6) Background check and personnel policies for all Hopi School System staff and local school board members;
 - (7) A policy requiring professional development trainers to be certified or have recognized expertise in their respective fields; and
 - (8) Policy, procedures, and criteria for creating a comprehensive Hopi language and culture program as set forth in ARTICLE 13 of this Code.

Section 4.12 Code of Ethics

- A. HBE shall approve and adopt a Code of Ethics which shall apply to HBE members, educators, local school board members, and all employees of the Hopi School System. The

Code of Ethics shall contain procedures for hearings and resolution of any ethical issues, including the presentation of written or oral testimonies and evidence, consideration of testimony and evidence, and appropriate and reasonable penalties for violations of the Code of Ethics.

- B. HBE members shall not participate in or be present for discussion or decisions involving their direct relatives, business interests or possible conflicts of interest.

Section 4.13 Responsibility for Unacceptable Performance of Duties

In exercising any powers granted, each HBE member shall not be immune from any responsibility that results from willful, knowledgeable and unacceptable performance of his/her duties.

Section 4.14 Meetings

- A. The HBE shall hold a minimum of eleven (11) monthly meetings per year, or on a schedule as is necessary to carry out its responsibilities, or at the call of its Chairperson.
- B. Hopi Board of Education meetings shall rotate among all seven (7) attendance areas so that any and all interested Stakeholders have the opportunity to attend a HBE meeting. At least one (1) meeting per year shall be held within each attendance area.
- C. All meetings of the HBE where official action is taken shall be public. Executive sessions of the HBE 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.
- D. A quorum shall consist of a simple majority of the voting HBE members, however a quorum shall not be less than five (5) voting members. Quorum shall be required to begin an official meeting of the HBE.

- E. A simple majority of the voting HBE members who form a quorum is necessary to pass an official action of the HBE.
- F. During HBE meetings, an opportunity shall be made available for the public to speak on any issue on the HBE's agenda. Members of the HBE may not reach a decision or take legal action regarding matters that are not specifically identified on the agenda. Action taken as a result of any public comment shall be limited to directing staff to study the matter, responding to comments, or scheduling the matter for further consideration and decision at a later date. Public comments relative to a specific agenda item may be heard during the HBE's discussion of that item if agreed to by a majority of the HBE, otherwise public comments shall be made only during the public comment period.
- G. The CSA, local school board president, and Principals shall provide monthly school reports to the HBE to be delivered at each regular monthly HBE meeting. The HBE shall decide if these reports are to be either in written or oral form.
- H. Special Meetings shall be allowed as follows:
 - (1) Special meetings may only be held for significant and time sensitive matters. Special meetings may be called if the Chairperson or five (5) HBE members agree that a special meeting is warranted. An agenda shall be prepared by the Chairperson.
 - (2) The Chairperson shall provide at least forty-eight (48) hours written notice and the agenda to all HBE members, the public, the CSA, local school boards, and Principals.
- I. Any person who requests the HBE to accept an appeal or any other hearing or meeting shall first exhaust all Hopi School System remedies, policies and procedures prior to requesting an appeal as provided for in this Code or HBE policies and procedures.

Section 4.15 Hopi School System Budget

- A. Each year, HBE shall approve a budget for the Hopi School System. Once determined, this budget shall be made available to the public.
- B. Local schools shall receive federal operational and administrative cost funding based in part on their 3-year student enrollment average and as otherwise provided for under federal law. The HBE shall fund necessary HBE, Central Administration Office, local school board, and local school administrative expenses through a percentage subtracted from the grant funding of each local school.
- C. The total administrative costs allowed for the Hopi School System, which are paid by federal grant funds, shall not exceed the amount allowable under federal law.
- D. Hopi School System and other federal funds may only be used for legal services which are necessary to advise and implement this Code and comply with applicable laws. Only the HBE is authorized to use these funds to hire attorneys to represent any entity of the Hopi School System.

Section 4.16 Board Expenses and Compensation

- A. Each year, HBE shall approve a budget for all its travel, training, and other HBE expenses. Hopi Board of Education members shall also receive a meeting stipend for discharging their duties as HBE members.
- B. The HBE's budget, expenses and stipends shall be included in the Hopi School System annual audit as part of the Annual State of Hopi Education Report.
- C. The HBE's budget shall be developed in accordance with the Tribally Controlled Schools Act and other federal funding requirements applicable as Bureau-funded schools.

- D. Hopi Board of Education members' compensation for participation in HBE meetings shall be one hundred dollars (\$100) per regular or special meeting. The HBE may hold as many meetings as needed per month, but shall only be compensated for one (1) regular and one (1) special meeting per month, except during the Transition Period, HBE members, once they are sworn in, shall be compensated for up to four (4) meetings per month. The HBE shall review this compensation rate every two (2) years, and may modify the rate as determined appropriate. If the HBE meeting compensation rate is modified, the HBE shall include such modification in its Annual State of Hopi Education Report.

Section 4.17 Transition Team and Transition Period

- A. The Transition Team shall facilitate and execute the planning and implementation of the transition from the current organization of Hopi's local schools to the Hopi School System.
- B. A representative of the Transition Team shall report monthly to the Health and Education Committee on the transition work. Once the Hopi Board of Education is sworn in, representatives of the HBE and the Transition Team shall provide monthly reports to the Health and Education Committee until the conclusion of the Transition Period.
- C. Members of the Transition Team shall be determined as follows:
- (1) Transition Team members shall include:
 - a. all current Principals;
 - b. a current teacher;
 - c. a current Hopilavayi teacher or a person recognized for their Hopi language and culture expertise;
 - d. a parent of a currently enrolled student in a local school;
 - e. a special needs education teacher or special needs education professional;
 - f. a university professor with at least a Master's degree in education;

- g. a business manager or a certified public accountant;
 - h. a human resources professional;
 - i. a transportation professional;
 - j. an operations and maintenance professional;
 - k. a food services professional;
 - l. a security services professional;
 - m. Director of the Hopi Department of Behavioral Health Services;
 - n. Director of the Hopi Department of Social Services;
 - o. Substitute for Principal at Keams Canyon Elementary School;
 - p. Two additional Teachers (one at Hopi Junior High School and one at Hopi High School);
 - q. Parent of a currently enrolled student at the Hopi Junior Senior High School;
 - r. Information Technology professional;
 - s. Hopi Law Enforcement Services representative; and
 - t. Vocational Education professional.
- (2) Nominees shall be currently employed by a local school unless otherwise indicated in Section 4.17.C(1).
- (3) The Health and Education Committee, the Director of the Department of Education and Workforce Development, and the Principals of Hopi's seven Tribally Controlled Schools shall select individuals to fill any vacancies of the Transition Team members and alternates.
- (4) The Director of the Department of Education and Workforce Development and the CSA, once he or she is hired, shall serve on the Transition Team as ex officio members and shall have no voting rights.

- D. The Hopi Tribal Secretary shall administer an oath of office to the Transition Team members.
- E. Once sworn in, the Transition Team members shall select a Chairperson, who shall call meetings, prepare an agenda, and ensure that minutes and records of all Transition Team meetings are taken and maintained. Members may also select additional officers, if they determine they are necessary.
- F. Each member of the Transition Team shall have one (1) vote, except any local school which sends more than one (1) principal and/or superintendent to participate on the Transition Team, shall have only one (1) vote per school.
- G. Within the first month of its swearing in, the Transition Team shall develop a timeline for completing the transition to the Hopi School System.
- H. Throughout the Transition Period, the Transition Team and the HBE, once it is sworn in, shall have the authority to consult with other Tribal offices and departments so that their expertise can inform the drafting of Hopi School System policies and procedures.
- I. Once the HBE is sworn in, the Transition Team shall come under the oversight of the HBE. The Transition Team's work and membership shall be reviewed and any vacancies filled by the HBE. Representatives of the Transition Team and the HBE shall report to the Health and Education Committee at least once a month on the progress of the transition.
- J. Principals shall be required to attend all Transition Team meetings.
- K. The Transition Team shall continue until all work of the transition is completed.
- L. During the Transition Period, the Health and Education Committee shall recommend any modifications to the Code's transition requirements that the Committee determines such modification is in the best interest of the transition process and the Hopi School System to

the Hopi Tribal Council for approval. Hopi Tribal Council has fifteen (15) calendar days to approve or disapprove such modifications.

- M. Once the new Hopi Board of Education is elected and sworn in, the Hopi Board of Education shall determine all Transition Period and related transition time frames.

ARTICLE 5. CHIEF SCHOOL ADMINISTRATOR AND CENTRAL ADMINISTRATION OFFICE

Section 5.1 Hiring of Chief School Administrator

- A. The Hopi Board of Education shall hire a Chief School Administrator who shall serve as the Chief Operating Officer of the Hopi School System.
- B. The HBE, in consultation with the Transition Team and the Department, shall draft a position description for the Chief School Administrator, draft policies for the hiring of the CSA, and use the Tribe's Human Resources Department to recruit and hire the CSA.

Section 5.2 Qualifications of Chief School Administrator

- A. The Chief School Administrator's qualifications shall be specified by the HBE, in consultation with the Transition Team, and shall include, but not be limited to:
 - (1) A Master's degree or Ed.D. degree in education or an education-related field from an accredited institution;
 - (2) A current Superintendent certification;
 - (3) Successful passing of a background check as defined in this Code; and
 - (4) At least five (5) years of mid-level to senior level supervisory management with proven experience and knowledge in:
 - a. Improving student achievement;

- b. Staff hiring processes, placement, mentorship, evaluation, and professional growth development;
- c. Current and emerging teaching and educational methods and practices;
- d. Education laws, policies and procedures related to finance, school operations, accreditation processes, personnel matters, Tribally Controlled Grant Schools under Pub. L. No. 100-297, and/or Self-Determination Contract Schools under Pub. L. No. 93-638;
- e. Implementation of curriculum, instruction, and assessment;
- f. Building relationships, fostering teamwork, and developing and building networks within and beyond the Hopi School System; and
- g. Effective communication, conflict resolution, and leadership skills.

Section 5.3 Chief School Administrator's Educational Vision and Leadership

The Chief School Administrator shall provide educational vision and leadership for all Hopi schools, which shall include, but not be limited to:

- A. Implementing the Hopi Tribe's sovereign authority to ensure a quality education for Hopi children;
- B. Providing leadership and direction to all Principals, local school board members, educators and staff, students, and community members;
- C. Ensuring professional development and growth among all education and administrative staff;
- D. Implementing HBE policies to achieve educational excellence in all Hopi schools;
- E. Supporting and including Hopi language, culture, and history in the education of Hopi students; and

- F. Maintaining a strong record of strategic planning, team building, and collaborative leadership.

Section 5.4 Duties of Chief School Administrator

Duties of the Chief School Administrator shall include, but not be limited to:

- A. Supervise and manage Central Administration Office staff;
- B. Assist the HBE in the development of Hopi School System policies and procedures by consulting with local school boards, Principals, educators, parents and other Stakeholders, and considering special circumstances of local schools;
- C. In consultation with the Principals, review, develop, and administer the Hopi School System budgets;
- D. Review and ensure compliance with contracts, budget proposals, and modifications prepared by Human Resources of the Central Administration Office;
- E. Oversee the preparation and filing of financial and other reports, data transfers, and annual audits to be submitted to BIE, the Tribe, and any other required entities;
- F. Review local schools' hiring recommendations for school staff and make recommendations on hiring to the HBE;
- G. In consultation with the local school boards, conduct annual evaluations of Principals and provide a copy of each Principal's written evaluation to the HBE and local school boards;
and
- H. Discuss education-related issues, concerns, policy direction, and needs with Stakeholders.

Section 5.5 Reporting and Records Requirements

- A. The Chief School Administrator shall, in consultation with local school boards and Principals:

- (1) Compile student data to submit reports to the HBE;
 - (2) Meet with the HBE at least once per month and give monthly reports on pre-schools, local schools, local school boards, and the Central Administrative Office; and
 - (3) Provide reports to community members and Tribal, State, and federal officials as needed to fulfill the provisions of this Code and applicable laws.
- B. All collected privileged and confidential information shall be stored in the Central Administrative Office and access to such information shall be restricted to only authorized persons in accordance with the Hopi School System's student records privacy policy developed pursuant to this Code.
- C. The CSA, in consultation with pre-schools, local schools, local school boards, Principals, and the HBE, shall prepare an "Annual State of Hopi Education Report" as follows:
- (1) The Annual State of Hopi Education Report shall include, but not be limited to educational statistics reported annually by pre-schools and local schools, including enrollment, assessment results, pupil-teacher ratios, educator retention and housing needs, graduation and dropout rates, attendance rates, accreditation matters, financial data, audits, and all other reporting required by federal law.
 - (2) The Annual State of Hopi Education Report shall be provided to the Tribal Chairman, Tribal Council, and other Stakeholders no later than June 1 each year reporting on the school year which ended in May of the prior year.
 - (3) Each local school, pre-school, and Principal shall provide reports of his or her school to the CSA to assist the CSA in preparation of the Annual State of Hopi Education Report.
- D. The CSA shall provide written notice to the HBE of any filed or potential litigation, mediation, or arbitration against any entity or employee of the Hopi School System. This

notice shall be provided within seven (7) days of the CSA's becoming aware of the filed or potential litigation, mediation, or arbitration.

Section 5.6 Central Administration Office Staff

- A. Within budgetary limits, the CSA shall recommend candidates to the HBE for Central Administration Office staff positions to carry out the duties and responsibilities of the Hopi School System.
- B. All procurement requests from local schools shall be processed by the appropriate Central Administration Office staff member as approved by the CSA.

Section 5.7 Central Administration Office Budget

- A. The CSA shall consult with the Principals on their budget needs and recommendations as they relate to the Central Administration Office.
- B. The CSA shall produce a budget for the Central Administrative Office as part of the Hopi School System annual budget and present the entire proposed Hopi School System budget to the HBE. The HBE shall issue a final decision on adopting the Hopi School System budget which shall include the annual budget for the Central Administration Office.
- C. The Central Administration Office budget which derives from federal funds shall not exceed the amount allowable under federal law for administrative costs.
- D. Each local school shall contribute a percentage of the administrative costs to fund the Central Administration Office as set forth in Section 4.15.B of this Code.

ARTICLE 6. LOCAL SCHOOL BOARDS

Section 6.1 Purpose

The purpose of local school boards is to provide each local school with individualized assessment, advice, and support so that the local schools can provide the most effective educational services for local students and increase involvement and participation of local community members and parents.

Section 6.2 Local School Boards established under Ordinance No. 36 during Transition Period

- A. The local school boards originally established under Ordinance No. 36 shall operate under their existing governance structure, election procedures, Tribal resolutions, and Tribally Controlled School grants during the Transition Period, except as otherwise provided in this Code.
- B. Once the Transition Period is completed and Hopi's Tribally Controlled Schools transition to the Hopi School System, the local school boards under Ordinance No. 36 shall be disbanded.
- C. The local school boards shall not be disbanded until the HBE's policies and procedures are adopted, the CSA is hired, and after the HBE determines the Central Administration Office is operational.
- D. During the Transition Period, the HBE, once it is sworn in, and the Transition Team shall consult with the existing local school boards and local schools and draft a single set of election eligibility and procedural requirements to be used for the local school boards to be established under this Code following the Transition Period. These election eligibility and procedural requirements shall be consistent with Hopi School System policies and procedures and this Code.

Section 6.3 Local School Boards established under this Code after Transition Period

- A. Once the local school boards under Ordinance No. 36 are disbanded, there shall be established new local school boards for the purpose of advising local schools within the Hopi School System on local school matters. Elections shall be held for the new local school boards pursuant to this Code.
- B. The local school boards established under this Code shall have all duties, responsibilities, and authorities set forth in this Code.
- C. Elections for the new local school boards under this Code shall be conducted by the local schools.
- D. The Principal of each local school shall determine whether local school board candidates satisfy the local school board eligibility requirements.
- E. All local school boards are comprised of five (5) voting members.
- F. The term of office for each elected board member shall be four (4) years. The initial local school board members shall serve the following staggered terms:
 - (1) Two (2) of the voting members shall be for an initial two (2) year term, and four (4) years thereafter; and
 - (2) Three (3) of the voting members shall be for an initial four (4) year term, and four (4) years thereafter.
- G. The determination of which voting board positions shall serve the initial two (2) year and four (4) year terms shall be by drawing lots.
- H. Local school 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.

- I. All local school board members shall satisfy the following qualifications in addition to any qualifications established by the HBE:
 - (1) All local school board members shall pass background checks; and
 - (2) A local school board member shall not be a member of the Hopi Tribal Council or the Hopi Board of Education, or an employee or direct relative of an employee of the Department, the Central Administration Office, or a local school or pre-school.
- J. Subsequent elections shall be held on an annual basis between November 1 and December 1 with elected members beginning their terms on January 1.
- K. At their first meeting under this Code, a local school board shall select a president and vice-president from amongst its voting members. It may also select additional officers if it determines they are necessary.

Section 6.4 Bylaws

The HBE shall consult with each local school board and draft a single set of bylaws to provide rules and regulations that shall govern all local school boards. These bylaws shall be consistent with Hopi School System policies and procedures and this Code.

Section 6.5 Meetings

- A. The local school boards shall hold a minimum of eleven (11) monthly meetings per year.
- B. All meetings where official action is taken shall be public meetings. Local school boards may call executive sessions to review materials or to discuss, but not act upon, sensitive or confidential issues. Executive sessions shall not be open to the public.
- C. A quorum shall consist of a simple majority of a local school board's members. Quorum shall be required to begin an official meeting of a local school board.

- D. A simple majority of a local school board's members who form a quorum is necessary to pass an official action of a local school board.
- E. During local school board meetings, an opportunity shall be made available for the public to speak on any issue on the local school board's agenda.
- F. Recall and termination procedures shall be specified in the local school boards' bylaws. The HBE shall be responsible for ensuring that established procedures are followed in any recall or termination action.
- G. Special meetings may be held only for significant and time sensitive matters. Special meetings may be called if three (3) or more local school board members agree that a special meeting is warranted. An agenda shall be prepared by the president, and he or she shall provide at least forty-eight (48) hours written notice and the agenda to all local school board members, the public, their school's Principal, and the CSA.

Section 6.6 Duties of Local School Boards

Duties of local school boards shall consist of:

- A. Review and analyze their local school's student data which demonstrates students' academic achievement;
- B. Advise their local school in the development of specific goals to improve students' academic achievement;
- C. Advise their local school of actions and strategies to allow their schools to attain those goals;
- D. Advise their local schools on local school budget needs and proposed expenditures;
- E. Review and approve the local school's proposed financial plan based on local school budget needs and proposed expenditures and provide this proposed financial plan to the HBE;
- F. Advise their local school in implementing HBE policies;

- G. Advise their local school of community and parental concerns and implementation of the Parents and Community Involvement Policy of this Code;
- H. Take actions to increase parent and community participation in school activities and programs;
- I. On a quarterly basis, the president of each local school board shall attend a HBE meeting and advise the HBE on local school matters;
- J. Take actions to support local school educators and administrators;
- K. Review and advise on hiring, dismissal, and non-renewal of school staff;
- L. Provide written notice to the CSA of any filed or potential litigation, mediation, or arbitration against the local school board or its local school. This notice shall be provided within seven (7) days of a member of the local school board becoming aware of the filed or potential litigation, mediation, or arbitration;
- M. Keep records of all meetings and special meetings;
- N. Attend professional development training;
- O. Advise or assist local schools with matters not otherwise within the jurisdiction of the HBE; and
- P. Assist the HBE with the development of the Comprehensive 5-year and 10-year Hopi Education Plan.

Section 6.7 Annual Budget

- A. Each local school board shall have a total budget of \$20,000 maximum per year.
- B. The local school board budget shall include all local school board expenses, e.g., meeting stipends, trainings, meals, and other expenses.
- C. The HBE may revise the local school boards' annual budget as needed.

Section 6.8 Review of Local School Board Budget

- A. Local school boards' budgets shall be developed in accordance with the Tribally Controlled Schools Act and other federal funding requirements applicable as a Bureau-funded school.
- B. Local school board members' compensation for participation in local school board meetings shall be seventy-five dollars (\$75) per regular or special meeting. Local school board members shall only be compensated for one (1) regular and one (1) special meeting per month. The HBE shall review this compensation rate every two (2) years, and may modify the rate as determined appropriate at increments not to exceed ten dollars (\$10) every two (2) years.
- C. Operating expenses, member compensation, training and travel budget of local school boards shall be reviewed by the CSA who shall approve or deny expenses based on policies and procedures established by the HBE.

ARTICLE 7. LOCAL SCHOOLS

Section 7.1 Day-to-Day Management Authority of Local Schools

Local schools, their Principals, and their administrative staff shall have day-to-day management authority over approved programs and services within their schools.

Section 7.2 Principals

- A. Principals shall be the primary administrative official responsible for implementing the policies and procedures established by the HBE.
- B. Principals shall report to the CSA and the HBE to identify duties and responsibilities and as required under Hopi School System policies and procedures and this Code.
- C. In consultation with their local school board, Principals shall identify opportunities to improve educational services and results in their schools.

- D. Principals shall consult with their local school board on hiring, dismissal, and non-renewal recommendations of school staff.
- E. Principals may review and comment on employee contracts for their local schools prepared by Human Resources of the Central Administration Office.
- F. If a local school has less than three hundred (300) students, the school shall hire a Principal as its primary administrative official. If a local school has more than three hundred (300) students, a local school may hire a Principal and an Assistant Principal. A Superintendent of a local school shall not be hired regardless of the number of students enrolled.

Section 7.3 Reporting Requirements

- A. The Principals shall submit student data to the CSA as part of the Hopi School System reporting and accountability systems developed pursuant to this Code.
- B. The Principals shall provide written notice to the local school board and the CSA of any filed or potential litigation, mediation, or arbitration against the local school. This notice shall be provided within seven (7) days of the Principal or any local school employee becoming aware of the filed or potential litigation, mediation, or arbitration.

Section 7.4 Finances and Bank Accounts

- A. Any existing private grants or gifts, as of the effective date of this Code, that are granted or otherwise bequeathed to a specific local school, shall remain the sole property of the local school designated by the grantor to receive those funds or gifts.
- B. Any federal or State grant or contract funds that are in existing bank and investment accounts, as of the effective date of this Code, shall come under the oversight and administration of the HBE. If any of these federal or State funds are designated for a

specific purpose or use, the HBE shall ensure that these funds are dispersed or used as required under the original federal or State grant or contract.

Section 7.5 Background Checks

All local school employees shall successfully pass a background check as defined in this Code.

ARTICLE 8. DEPARTMENT OF EDUCATION AND WORKFORCE DEVELOPMENT

Section 8.1 Purpose

The Hopi School System shall collaborate with the Hopi Department of Education and Workforce Development to ensure that the Hopi School System's policies, programs, and curriculum align with the Department's programs, including but not limited to early childhood, Head Start, Hopilavayi, and post-secondary education and workforce development. The Department and its Director shall not have any direct authority over the Hopi School System.

Section 8.2 Pre-School and Head Start Programs

- A. Parents and guardians of Hopi children of pre-school age, from birth to five (5) years of age, are encouraged to enroll their children in programs for early childhood education.
- B. Early childhood programs shall employ a comprehensive developmental approach to help children achieve social competence and pre-academic skills.
- C. To assist pre-school programs in achieving these goals, the Hopi School System shall collaborate with the Department to ensure that Hopi pre-school programming is consistent with and prepares pre-school children for entry into local schools.
- D. Pre-schools shall provide any monthly data they have collected or other matters they think appropriate to the CSA.

- E. The HBE shall create a specific collaborative program between the pre-schools and Kindergarten classes and teachers.

Section 8.3 Adult Education

- A. The Hopi Tribe recognizes the importance of adult education and encourages public and private entities to develop and offer programs of adult education, including but not limited to adult basic education, pre-GED and GED education, vocational education, college scholarships, community education, consumer education, health education, and related adult programs.
- B. The Hopi School System shall collaborate with the Department to ensure that:
 - (1) Hopi adults can meet their education needs and aspirations;
 - (2) Students are informed of vocational education opportunities, college scholarships, and other adult education resources of the Department; and
 - (3) The Department and the Hopi School System's educational goals are consistent.

ARTICLE 9. STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY

Section 9.1 Purpose

- A. To provide students with the most effective, accountable, and consistent education, the HBE shall establish a Three-part Hopi Achievement System. This Three-part system shall set goals for Hopi students, measure student achievement levels, and acknowledge school successes and provide support for improvement where necessary.
- B. Until the Tribe develops its own education standards, assessments, and accountability measures, the Tribe shall follow federal requirements for standards, assessments and accountability measures, and may include additional measures that are culturally relevant for the Hopi School System.

Section 9.2 Structure of Three-part Hopi Achievement System

Applying the Elementary and Secondary Education Act, Pub. L. No. 89-10 (1965), as amended, the HBE shall consult with Stakeholders and oversee the creation of the following Three-part Hopi Achievement System:

- A. Education Standards. The HBE shall approve rigorous education standards that specify what students need to know and be able to do in order to be prepared for post-secondary life on or off the Reservation, including but not limited to college, vocational school, military service, apprenticeships, and career and life readiness.
- B. Assessments. The HBE shall oversee the development of a comprehensive assessment system to include assessments and indicators aligned with the education standards to measure whether students are on track to meet the education standards.
- C. Accountability. An accountability system shall be established as follows:
 - (1) The HBE shall develop and implement a set of policies and procedures designed to evaluate local schools' and students' performance based on a broad set of outcome indicators, e.g. academic achievement and progress, graduation rates, and career readiness;
 - (2) The accountability system shall set goals and compare local schools' and student performance to those goals. This comparison shall reveal the areas of academic success and where the Hopi School System needs to improve students' skills and knowledge; and
 - (3) To support continuous improvement, the CSA, in collaboration with local schools and local school boards, shall identify accountability results to include, but not be limited to rewards or recognition for high-performing schools, and resources, support, and interventions for schools that are struggling to meet education standards.

Section 9.3 Curriculum

The HBE shall approve a consistent curriculum that is aligned with the Three-part Hopi Achievement System to provide quality and effective formal education and to foster the learning spirit within Hopi children.

Section 9.4 Hopi Education Information System

- A. The HBE shall establish and maintain a Hopi Education Information System to create an overall, uniform system of records and comprehensive database from pre-school to post-secondary activities across all Hopi schools. Through the HEIS database, the Hopi School System will be able to track students' academic performance, pre-academic skills, educational achievement, graduation, and post-secondary activities.
- B. The collection of this educational information in the HEIS will assist the Hopi School System, HBE, CSA, local school boards, pre-schools, and local schools in identifying those teaching methods, curriculum, and policies which are most effective in improving student achievement, academic results, and post-secondary success.
- C. In establishing the HEIS, the HBE shall collaborate with all educational entities of the Hopi Reservation, including pre-schools and post-secondary programs, and use and incorporate all available tools, for example, Native Star and the Native American Student Information System.

Section 9.5 Records Reporting

To ensure an effective educational accountability system, each local school shall provide academic test scores on each individual student to the CSA. The CSA shall use student test data to create Hopi achievement profiles. The achievement profiles shall be shared with each school to assist them in improving academic achievement. On an annual basis, the HBE shall publish

an Accountability Report, including each local school's rating, student achievement data, and related information for public dissemination.

Section 9.6 Privacy of Student Records

The HBE shall oversee development of a student records privacy policy. The Hopi School System shall comply with this student records privacy policy and with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, in the use of student information for reports and research purposes.

ARTICLE 10. SCHOOL ATTENDANCE

Section 10.1 Compulsory Attendance and Length of School Year

- A. Every child of Compulsory School Age shall attend a local school, pre-school, State public school, or BIE operated school during the entire time that the school is in session, unless they are given an exemption as defined in this ARTICLE.
- B. Notwithstanding any other law or exigent circumstance, school instruction shall be conducted in each local school for school sessions that total one hundred and eighty (180) days and shall meet the number of instructional hours required under federal law.

Section 10.2 Compulsory Attendance – Exemptions

The provisions of Section 10.1 of this ARTICLE shall not apply, and absences shall not be counted against a student, if the person having responsibility for the child or the child demonstrates to the satisfaction of the local school that:

- A. The child has successfully completed high school or a State- or Hopi-approved GED/Alternative school program;
- B. The child is enrolled in a State- or Hopi-approved GED/Alternative school program;

- C. The child is receiving a home education as provided by ARTICLE 15 of this Code; or
- D. The child's absences are "excused." The HBE shall develop a policy determining:
 - (1) What conditions constitute an excused absence; and
 - (2) The form of evidence an individual responsible for a child under this Section shall provide to verify the reason for a child's absence from school.

Section 10.3 Failure to Send Child to School – Minor Offense

Unless a child is exempt as provided in this ARTICLE, any person who is responsible for a child of Compulsory School Age who "neglects or refuses, without good cause, to send his children or legal wards to school, is guilty of a minor offense." Hopi Code, tit. III, ch. 6, sec. 3.6.5. Such person shall be subject to the jurisdiction of the Hopi Trial Court or court of competent jurisdiction to determine what penalties, if any, are warranted.

Section 10.4 Truancy

Where a person having responsibility for a child complies with this ARTICLE by taking all reasonable steps to ensure the child is in attendance at school or is exempt from school attendance, but the child by his or her own actions does not attend school in compliance with this ARTICLE, and is not exempt under Section 10.2, that child shall be subject to the jurisdiction of and may be found truant by the Hopi Children's Court or court of competent jurisdiction. The HBE shall develop a policy to address truancy within the Hopi School System.

Section 10.5 Compulsory Attendance – Enforcement

- A. Each local school is charged with primary enforcement of this ARTICLE.
- B. Each local school shall investigate any alleged or apparent violation of this ARTICLE, and shall offer a parent of a child in violation of this ARTICLE an opportunity to provide a reason, if any, for the absence.

- C. A child's Principal or the Principal's designee shall report any alleged violation of this ARTICLE to the appropriate law enforcement agency (e.g., Child Protective Services) and the CSA.

Section 10.6 Administrative Procedures

- A. Notwithstanding the provisions of this ARTICLE, the HBE shall ensure that policies are in place that provide administrative procedures to be followed when a child is absent from or late for school in excess of a specific number of absences allowed.
- B. These policies shall contemplate appropriate methods to improve the child's attendance.
- C. The local school shall ensure that both the parents and the child are aware of the negative consequences of excessive absences, the child's ability to advance to the next grade level, the loss of school credit, and the child's ability to graduate.

ARTICLE 11. ATTENDANCE AREA DESIGNATION

Section 11.1 Purpose

The Hopi Tribe strives to support the local community nature of all local schools and to support the unique values and culture of Hopi villages. The Tribe wants to ensure that students are provided the stability and social networks critical to their academic and social development. The Tribe aims to reduce the disruption and safety hazards posed by large number of buses entering and leaving Hopi villages to pick up and drop off students for school due to the open enrollment policy.

Section 11.2 Maintain Existing Attendance Area Designations

Pursuant to Ordinance No. 36, section 9, Hopi villages set attendance area boundaries for each local school. See Appendix B (Attendance Area Boundaries Map). These boundaries shall remain in full force and effect and are adopted and incorporated into this Code.

Section 11.3 Attendance Area Designation Policy

- A. The Attendance Area Designation Policy requires that students attend the local school of the attendance area within which their residence is located, unless they receive a waiver to attend another school.
- B. A student's residence is defined as the domicile within which they sleep most of the time.
- C. Any child(ren) near or adjacent to the Hopi Reservation shall be eligible to attend local schools of the Hopi School System, and shall attend the local school nearest to their residence.
- D. Because of the long distance between the Moencopi Day School and the Hopi Junior Senior High School, students of the Upper Moenkopi Village and the Lower Moencopi Village may attend the junior high and high school of their choice. If the Moencopi Day School adds a junior and/or high school to its school, students of the Upper Moenkopi Village and the Lower Moencopi Village shall attend Moencopi Day School for junior and/or senior high school, unless they receive a waiver pursuant to this ARTICLE.
- E. Once a student enters the 7th grade, he or she shall attend the elementary school within their attendance area designation if that elementary school offers 7th and 8th grades.
- F. If the school within their attendance area designation does not offer 7th and 8th grades, the student may either attend the Hopi Junior Senior High School, another Junior High School, or the nearest elementary school to their residence which accepts 7th and 8th grade students.

Section 11.4 Waiver of Attendance Area Designation Policy

- A. If a parent or guardian wishes their child to attend a local school outside their attendance area, they shall apply to their attendance area school for a waiver of the attendance area requirement. The Principal of their attendance area school shall issue a decision whether to grant or deny a waiver.
- B. If the Principal denies the waiver, a parent or guardian may file a written appeal to HBE. The HBE shall decide any appeals within sixty (60) days of receipt of an appeal. The HBE's decision shall be final and is not appealable.
- C. The HBE, in consultation with the local school boards, CSA, Principals, parents, and other Stakeholders, shall develop a policy for determining whether to grant or deny a waiver of the attendance area requirement. In developing the waiver policy, the HBE shall consider factors, including but not limited to the following:
 - (1) Students who are children of a full-time school employee of the school being requested;
 - (2) Siblings of student(s) who are currently enrolled in a non-attendance area school;
 - (3) Students who have child care provided in the requested school attendance area; and
 - (4) Students who are placed into a home outside their attendance area by court order.
- D. Only out-of-attendance area students with waivers may be counted in the Average Daily Attendance for purposes of computing federal funding.

Section 11.5 Phasing in the Attendance Area Designation Policy

Implementation of the Attendance Area Designation Policy shall be phased in following the effective date of the BIE's approval of the Hopi's Tribally Controlled Schools Act grant application.

Section 11.6 Rescission of Open Enrollment Policy

Tribal Council Resolution H-100-2002, which established the open enrollment policy, shall be repealed following the effective date of the BIE's approval of the Hopi's Tribally Controlled Schools Act grant application.

Section 11.7 Modification of Attendance Area Designations

The HBE may revise the attendance area designations using the following procedure.

- A. If the HBE determines that a modification of an attendance area designation is needed, the HBE shall consult with any affected local school board(s), local school(s), and Stakeholders to gather their input regarding any possible modification of the designation(s). The HBE shall prepare a description of the new attendance area(s) with sufficient clarity to make the modified attendance area(s) readily identifiable.
- B. The HBE's review shall include, but not be limited to the following factors:
 - (1) School operational cost;
 - (2) Travel time and distance;
 - (3) Climatic conditions;
 - (4) Local terrain and Reservation boundaries;
 - (5) Number of students potentially impacted;
 - (6) Overlap, if any, with attendance area designation of neighboring schools; and
 - (7) Maintaining cultural and linguistic consistency within a specific school.

- C. The HBE shall issue a decision regarding any attendance area modification. In issuing its decision, the HBE shall verify that the modified attendance area designation(s) are supportive of the Hopi School System's education interests and do not cause significant conflict with other local school attendance area designations.
- D. Within thirty (30) days of HBE's issuance of a modification decision, a Principal of a school whose attendance area is the subject of the modification decision may appeal the HBE's determination to the Tribal Council. The Principal shall have the burden to prove that the HBE's modification decision is not reasonably supported by the evidence, is contrary to law, and amounts to an abuse of discretion.
- E. Within sixty (60) days of receiving an appeal, the Tribal Council shall issue a decision on the merits. Any decision of the Tribal Council shall be a final decision and is not appealable.
- F. Failure to file an appeal within the prescribed period of time shall render the HBE's decision final.

ARTICLE 12. EDUCATORS

Section 12.1 Commitment to Educators

The Hopi Tribe recognizes the valuable and significant importance of educators for Hopi children. Educators teach Hopi children during their most impressionable years and create a foundation of knowledge and skills that Hopi children will use for the rest of their lives. To assist educators in providing the highest quality education for Hopi children, the Hopi Tribe is committed to hiring, developing, and retaining quality educators and providing a professional teaching environment for those educators.

Section 12.2 Certification Requirements

- A. All local school and pre-school educators shall be certified pursuant to requirements of the State. Their certification shall be based upon the level(s) of academic preparation and indicate the content area authorization for which the individual is qualified.
- B. All educators shall gain and maintain specific knowledge and skills that will assist in improving their ability to serve students in the priority education areas of the Tribe as set forth in this Code and Hopi School System policies and procedures.

Section 12.3 Hopi Cultural Orientation

All certified local school and pre-school educators, instructors, administrators, education specialists, and support staff shall participate in Hopi Cultural Orientation as developed by the CSA and the HBE which shall include the history, culture, values, civics, and language of the Hopi Tribe.

Section 12.4 Educator Guidelines and Evaluations

- A. In consultation with local schools, the HBE shall develop policies:
 - (1) Detailing the definition of and expectations for quality educators; and
 - (2) Establishing a standard, educator evaluation procedure for all local schools to review and assess educators' performance and effectiveness.
- B. Local schools shall evaluate educators at least twice per year (mid-year and end of year).
- C. Local schools may perform these evaluations themselves, or in unusual circumstances, these evaluations may be conducted by an outside entity.
- D. Educator evaluations shall be conducted according to the policies and procedures established by the HBE, and shall include, but not be limited to the following:

- (1) Evaluations shall be made in writing after reasonable observation of each educator's performance and review of the results of that performance;
- (2) Copies of written evaluation summaries and any changes in the evaluation processes shall be provided to the CSA within fourteen (14) days of completion of the evaluation; and
- (3) Evaluation indicators shall include, but not be limited to assessment of instructional strategies; adherence to curricula objectives, including applicable Tribal curriculum; student progress and performance; learning climate; and use of evaluation findings.

Section 12.5 Recruitment, Mentorship, and Retention of Educators

In consultation with the CSA, Principals, local school boards, and educators, the HBE shall oversee the creation of a recruitment, mentorship, and retention program for educators of the Hopi School System. This program shall include, but not be limited to assessing and addressing housing shortages, shortages of substitute educators, and other limitations to recruiting and retaining quality educators. This program may also include a "Grow Your Own" program to identify and assist Hopi high school students who are interested in entering the teaching profession and encouraging them to teach in Hopi schools.

Section 12.6 Grievance Process

Educators and all other employees of the Hopi School System shall follow the policies and procedures established by the HBE to address employment disputes, which shall include, but not be limited to dismissal of certified teachers, non-renewals, suspensions, violations of the Code of Ethics, and requests for hearings.

Section 12.7 Prohibition on Employment of Certain Educators

No individual may be employed as an educator in any school on the Reservation if:

- A. That individual has previously been terminated for cause from any local school, pre-school, college, or educational institution, or for violation of the Code of Ethics developed pursuant to this Code, unless mitigating factors can be shown on a case-by-case basis;
- B. That individual's teaching certificate or license has been revoked; or
- C. That individual fails a background check as defined in this Code.

Section 12.8 Non-Educator Professionals Evaluation

- A. Non-educator professionals provide services other than the direct instruction of academic content related to a specific grade or subject area. Some of these professionals shall include, but not be limited to school counselor, school nurse, and librarian.
- B. Non-educator evaluations shall be based upon their specific job descriptions and shall include, but not be limited to assessment through observation and practice, and student performance.

ARTICLE 13. HOPI LANGUAGE AND CULTURE PROGRAM

Section 13.1 Purpose

The Hopi language is an essential element of the life, culture, tradition and identity of the Hopi Sinöm. The Hopi Tribe recognizes the importance of continuing and perpetuating the Hopi language to the survival of the Hopi Sinöm. To prioritize the preservation and continuation of Hopi language speakers, the Hopi School System is committed to creating an inclusive and immersive Hopi language and culture program within all schools serving Hopi students. Instruction in the Hopi language shall include, to the greatest extent practicable and as readiness allows, thinking, speaking, comprehending, reading, writing, and the study of the formal grammar of the Hopi language. The goal is the creation of an effective Hopi language and culture program with measurable outcomes.

Section 13.2 Scope

- A. This ARTICLE shall apply to all Hopi language, culture, and history classes conducted in Hopi pre-schools and local schools.
- B. In developing programming, curriculum, assessment, and a pilot program under this ARTICLE, the Hopi School System may rely on existing and newly developed resources, which include but are not limited to locally trained language educators skilled and practiced in a research-based approaches to teaching Native languages.
- C. Private schools and private adult and community classes within the Reservation shall not be subject to this ARTICLE, however, private schools and private adult and community classes are encouraged to provide Hopi language and culture as part of their curriculum. Private schools and private adult and community classes may seek the assistance of the Hopilavayi Committee in developing and implementing a Hopi language and culture program.

Section 13.3 Membership of Hopilavayi Committee

- A. The HBE shall appoint members of the Hopilavayi Committee in consultation with the Cultural Resources Advisory Team of the Hopi Cultural Preservation Office, local school boards, local schools, and pre-schools.
- B. Members of the Hopilavayi Committee shall be Hopi Tribal members with knowledge of Hopi language and culture who live on or off the Reservation.

Section 13.4 Program Development for Hopi Language and Culture

- A. As part of the Comprehensive 5- and 10-year Hopi Education Plan, the HBE and the Hopilavayi Committee shall undertake the creation of a comprehensive Hopi values, cultural, and language program for all Hopi schools that is also reflective of local community needs.

- B. The Hopilavayi Committee shall examine, assess, and develop recommendations for improving and implementing delivery of Hopi language and culture classes in pre-schools and local schools.
- C. In its examination, the Hopilavayi Committee shall assess the following issues which shall include, but not be limited to:
- (1) Student-teacher ratio;
 - (2) Creative curriculum development;
 - (3) Number of hours per week Hopi language is taught at each pre-school and local school;
 - (4) Appropriate amount of time dedicated to language immersion and teaching in pre-schools and local schools that will result in Hopi speakers;
 - (5) Requiring Hopilavayi certified educators to teach Western subject-matter curriculum;
 - (6) Hopi language and culture classes being canceled so that students can attend testing and other school activities;
 - (7) Providing time for planning, materials development, and assessment during the school day as well as long-term planning over the summer;
 - (8) Creating effective training programs for Hopi language and culture educators that may assist Hopilavayi educators with their professional development and with ongoing State certification renewal requirements;
 - (9) Creating mentorship programs to assist younger teachers in developing their Hopilavayi knowledge and skills; and
 - (10) Future development of Hopi literacy by reading and writing Hopi language.
- D. Following its initial examination and development of recommendations, the Hopilavayi Committee shall provide a report summarizing its examination and recommendations to the HBE. The HBE shall consider the Hopilavayi Committee's recommendations and other

Hopi language and culture matters brought before the HBE and establish a comprehensive Hopi language and culture program for the Hopi School System.

Section 13.5 Hopi Language Proficiency Exam

- A. The Department has developed the "Hopi Language Proficiency Exam" to assess an applicant's Hopi language proficiency level.
- B. To continually update the Hopi Language Proficiency Exam, the Department shall:
 - (1) Consult with the Cultural Resources Advisory Team of the Hopi Cultural Preservation Office, Hopilavayi teachers, and other recognized professionals of Hopi language for their expertise; and
 - (2) Establish Hopilavayi proficiency assessment levels, which shall include, but not be limited to an oral interview and a written exam.

Section 13.6 Certification Required for Hopi Language and Culture Educators

- A. To teach Hopi language and culture in Hopi local schools and pre-schools, a Hopi educator shall be certified under the Arizona Department of Education, Office of Indian Education, as a "Native American Language Teacher."
- B. To attain certification as a Hopi "Native American Language Teacher," an educator shall take the Hopi Language Proficiency Exam.
- C. Upon review of the educator's language proficiency exam, the educator's proficiency level shall be stated on official letterhead of the Department and provided to the educator.
- D. The educator shall provide a copy of the Department's letter, along with all other requirements, to the Arizona Department of Education, Office of Indian Education to apply for his or her "Native American Language Teacher" certification.

- E. The educator may apply to the Department for funds to cover the State of Arizona's "Native American Language Teacher" certification fee.
- F. All schools within the Hopi School System shall have at least one (1) certified "Native American Language Teacher."
- G. If an existing Hopilavayi educator, as of the effective date of this Code, has received a "Native American Language Teacher" certification under the State of Arizona certification program, his or her certification shall be valid and accepted by local schools and pre-schools until it expires. Upon its expiration, the educator shall take the Hopi Language Proficiency Exam and re-apply for certification under the State of Arizona's Office of Indian Education.

Section 13.7 Elders and Hopilavayi Community Members Alternate Procedure

The Hopilavayi Committee shall partner with the Cultural Resources Advisory Team of the Hopi Cultural Preservation Office to identify elders and members of Hopi villages who are recognized for their knowledge of Hopi language, culture, and history. The Hopilavayi Committee shall collaborate with the Department to develop an alternate procedure to allow these elders and village members to assist the Hopi School System with Hopi language and culture programming and classes.

Section 13.8 Pilot Program

The Hopi Board of Education shall create a Pilot Program to begin an immersion Hopi language and culture program. To create this Pilot Program, the HBE may rely on existing and newly developed resources. Existing resources include, but are not limited to locally trained language educators skilled and practiced in a research-based approach to the oral immersion model. This Pilot Program may integrate capacity building and locally trained language educators. All educators as part of this Pilot Program shall hold a certification as required by this ARTICLE.

ARTICLE 14. PARENTS AND COMMUNITY INVOLVEMENT POLICY

Section 14.1 Parents and Community Involvement Policy

- A. The Hopi Tribe seeks to promote and encourage significant parental and community involvement in all local schools and pre-schools serving Hopi communities. Parents shall be informed of their children's academic achievement and progress and encouraged to participate in their children's educational pursuits.
- B. The HBE shall develop a parents and community involvement policy describing the strategies for carrying out parental activities, fieldtrips, and fundraising necessary to improve the quality of teaching and learning. The HBE or Hopi School System staff shall consult with parents and Stakeholders in development of this policy.
- C. Every local school shall provide technical assistance, parental training, and other resources necessary to coordinate parent programs and inform parents and community members of school and Tribal services that are available to them.

Section 14.2 Assist in Development of the Curriculum, Standards, and other Policies

- A. Every parent and community member shall be afforded the opportunity to participate in the implementation of this Code.
- B. Parental and community inclusion and involvement shall be accomplished through open public meetings, sharing of information, and other appropriate means.
- C. Pre-schools, local schools, local school boards, and the CSA shall involve parents and members of the community in developing and implementing educational policy including, but not limited to:

- (1) The formal process of planning, developing, and evaluating curriculum, education standards, policies regarding school governance, educational policies and programs, and extra-curricular activities;
- (2) Making draft copies or changes to curriculum and policies and procedures available to parents and community members for review and input before the curriculum, policies, or changes are adopted or become effective;
- (3) Developing written materials designed to familiarize parents with the local school or pre-school's curriculum and policies and detailing specific activities that parents and students may undertake together to enrich the students' formal educational experience and development; and
- (4) In cooperation with the HBE, review procedures for communication between the parents and schools, review the effectiveness of those procedures, and strive to develop ways to improve such procedures.

Section 14.3 Local School Reports provided to HBE

Local schools and pre-schools shall annually report to the HBE regarding their compliance with and progress under the provisions of this Code regarding parental and community involvement. A summary of these school parental reports shall be included as a section of the Annual State of Hopi Education Report each year.

Section 14.4 Hopi Board of Education shall Evaluate Compliance

The HBE shall regularly evaluate the compliance by and progress of local schools and pre-schools with the provisions of this Code regarding parental and community involvement.

Section 14.5 Policy Applies to all Parents and Community Members

The provisions of this Code regarding parental and community involvement shall apply to all parents and community members, including those students who are also parents. The need for parental and community involvement in schools and educational programs shall be included in any Tribal curriculum containing instruction on parenting and family life.

ARTICLE 15. HOME EDUCATION

Section 15.1 State Laws applicable

Any person having responsibility for a child who wishes to have that child obtain schooling through home education within the Hopi Reservation shall follow all applicable State laws.

Section 15.2 Hopi Home Education Laws to be Followed, if Developed

If the Hopi Tribe enacts laws and regulations governing home education, the Hopi laws, not State laws, shall apply, and any resident of the Hopi Reservation having responsibility for a child who wishes to have that child obtain schooling through home education shall follow all applicable Hopi laws.

Section 15.3 Loss of Exemption for Failure to Follow Home Education Laws

Failure to follow all applicable laws regarding home education shall result in a loss of exemption under ARTICLE 10 of this Code.

**ARTICLE 16. COOPERATIVE AGREEMENTS, PARTNERSHIPS, AND
REPORTING REQUIREMENTS FOR PRIVATE SCHOOLS AND PROGRAMS**

Section 16.1 Cooperative Agreements

- A. Under the Elementary and Secondary Education Act, Pub. L. No. 89-10, as amended, and other federal, State and Tribal laws, the HBE may enter cooperative agreements and other partnership agreements with local educational agencies where Hopi students attend so that the Hopi School System can assist the local educational agencies in meeting the unique educational and culturally related academic needs of Hopi students.
- B. The HBE may seek to enter cooperative agreements and other collaborative instruments with any educational institution, including pre-schools and post-secondary colleges and universities, to create coordination, opportunity, and consistency amongst these educational institutions and the Hopi School System.

Section 16.2 Pre-Schools on the Hopi Reservation

The HBE shall establish agreements with all pre-school programs operating on the Hopi Reservation to ensure that educational policies and curriculum are coordinated between pre-schools and the local schools as described in ARTICLE 8 of this Code. The pre-schools shall report to the HBE on their activities once every six (6) months.

Section 16.3 Private Schools and Programs

- A. Any existing private or summer school, private after-school, or other private education program shall provide a report once per year describing its educational activities, organizational structure, number of students, percentage of educators who have undergone background checks, and programming operations to the HBE. This report shall be provided

to the HBE. This report shall continue to be provided to the HBE once per year from the date of the initial report and every year thereafter.

- B. Any new private or summer school, private after-school, or other private education program shall provide a report at least thirty (30) days prior to the commencement of its operations describing its planned educational activities, organizational structure, number of students, percentage of educators who have undergone background checks, and other programming operations to the HBE. This report shall continue to be provided to the HBE once per year from the date of the initial report and every year thereafter.
- C. This requirement applies to schools and school programs on trust and fee lands to the greatest extent under Tribal and federal law.

ARTICLE 17. FUTURE DEVELOPMENT OF HOPI EDUCATION STANDARDS, CURRICULUM, AND ASSESSMENTS

Section 17.1 Future Hopi Education Standards, Curriculum, and Assessments

In the future, the Hopi Tribe may undertake to develop its own Hopi education standards, curriculum and assessments as provided for in Elementary and Secondary Education Act, Pub. L. No. 89-10, as amended.

Section 17.2 Future Accreditation Office

Hopi may seek to partner with and establish an Accreditation Office (e.g., AdvancED) to monitor and improve curriculum, training, professional support, and other education programs.

ARTICLE 18. COMPLIANCE WITH HOPI EDUCATION CODE

Section 18.1 Purpose

- A. This Code is established to provide educational services, advancement, and career support for Hopi students. If a Stakeholder believes that a local school, local school board, CSA, or Hopi School System entity or employee is not in compliance with this Code, he or she shall first exhaust the provisions of this Code or other relevant regulation prior to seeking any other remedy.
- B. Hopi School System policies and procedures shall be drafted to conform to and implement this ARTICLE.

Section 18.2 Compliance of Local Schools and Local School Boards

- A. Any Stakeholder may file a complaint with the CSA alleging the non-compliance of any local school or local school employee, school board, or school board member with this Code. A complaint shall be in writing and include information for the CSA to research and investigate the complaint. The CSA or the CSA's designated agents are authorized to conduct an on-site assessment of a local school or local school board and collect necessary information and data to assess the complaint. The CSA shall prepare a written assessment of the complaint.
- B. Within thirty (30) days of receiving a complaint, the CSA shall provide the HBE with the complaint, any necessary information and data, and his or her written assessment of the complaint. Within sixty (60) days of receipt of the complaint and related materials from the CSA, the HBE shall review these materials and issue a decision to the complainant. The HBE's decision is final and non-appealable.

Section 18.3 Compliance of Chief School Administrator

- A. If a Stakeholder has a complaint regarding the CSA, a Stakeholder may file a complaint with the HBE alleging the non-compliance of the CSA with this Code or policies and procedures. A complaint shall be in writing and include information for the HBE to research and investigate the complaint. The HBE or the HBE's designated agents are authorized to conduct an on-site assessment of the CSA and collect necessary information and data to assess the complaint.
- B. Within sixty (60) days of receipt of the complaint and related materials, the HBE shall review these materials, conduct any investigation, and issue a decision to the complainant. The HBE's decision is final and non-appealable.

Section 18.4 Compliance of Hopi Board of Education

- A. If a Stakeholder has a complaint regarding the Hopi Board of Education or a HBE member or members, he or she may provide a complaint in writing to the Hopi Tribal Council. The Hopi Tribal Council shall conduct a review of the complaint and may conduct an on-site assessment and collect necessary information and data to assess the complaint.
- B. Within sixty (60) days of receipt of a complaint, the Hopi Tribal Council shall issue a decision on the merits which shall be a final decision and non-appealable.
- C. If the Tribal Council finds that the Hopi Board of Education or a HBE member or members is non-compliant, the Tribal Council may take official action through resolution to sanction the HBE, remove the non-compliant member(s), hire disinterested third parties to perform HBE functions, and/or perform the HBE functions itself.

ARTICLE 19. AMENDMENTS

Section 19.1 Amendment by Tribal Council

The Hopi Education Code may be amended only by the Hopi Tribal Council. If the Tribal Council determines that amendment to the Code is necessary, the Tribal Council shall amend the Code only by Tribal resolution. The HBE shall make recommendations for proposed amendments to the Tribal Council, and the Tribal Council may consider other proposed amendments to the Code.

Section 19.2 Review of the Code

- A. After seven (7) years from the effective date of this Code, the HBE shall conduct a review of the Code.
- B. This review shall be conducted as follows:
 - (1) Comments shall be solicited on the Code from local school boards, Principal, parents, students, village members, and other Stakeholders for consideration for a period of sixty (60) days.
 - (2) HBE shall review and assess comments and within one hundred twenty (120) days of the close of the comment period, the HBE shall make recommendations for amendments to the Code, if any, and provide these recommendations to the Tribal Council.
 - (3) HBE shall provide a list of Stakeholders' recommendations to the Tribal Council.
 - (4) The Tribal Council shall review the HBE's recommendations and the list of Stakeholder recommendations. Tribal Council shall consider the HBE's recommendations, and determine if any amendments to the Code are necessary.

- C. Following the date that the first review is submitted to Tribal Council, the HBE shall conduct a review of the Code as described in this ARTICLE once every five (5) years for as long as this Code is in effect.

ARTICLE 20. SOVEREIGN IMMUNITY

Nothing in this Code shall be construed as a waiver, in whole or in part, of the sovereign immunity of the Hopi Tribe, the Hopi School System, HBE Members, or employees of the Hopi School System acting in their official capacity.

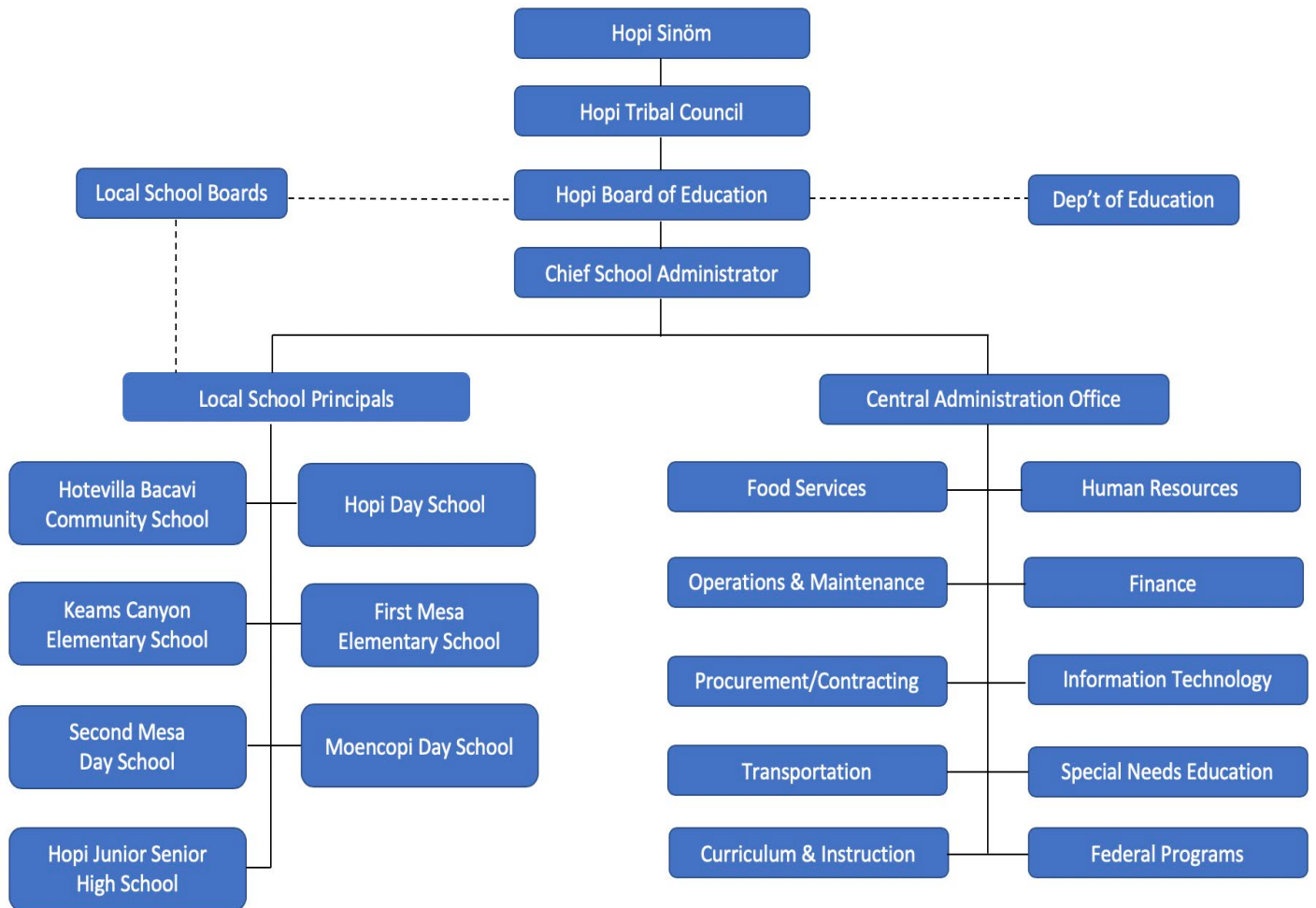
ARTICLE 21. EFFECTIVE DATE OF CODE

This Code shall be effective upon the date of enactment of this Code by the Hopi Tribal Council.

This Code, and any amendments hereto, do not require approval of the Secretary of the Department of the Interior.

APPENDIX A

HOPI SCHOOL SYSTEM ORGANIZATIONAL CHART



Solid Line means direct line of authority and/or oversight authority.
Dotted Line means advising, collaborating, and/or reporting.

APPENDIX B

MAP OF ATTENDANCE AREA DESIGNATIONS

