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## **1.01 DISTRICT LEGAL STATUS**

The Organization, composed of members of the Oglala Sioux Tribe who are residents of Medicine Root District, and other areas served by Little Wound School, shall be known hereafter as Little Wound School Board.

*Ref.: LWSB Constitution and By-Laws (Article I)*

## **1.02 BOARD LEGAL STATUS**

The Little Wound School Board (Board) is the governing body of Little Wound School. Little Wound School Board is a democratically elected group of eligible Oglala Sioux Tribal members established by Resolution 70-51 of the Oglala Sioux Tribe to provide for direction to the Native American community it serves within the Pine Ridge Indian Reservation, and particularly within Kyle and the Little Wound School service area. The Board is a tribally chartered, non-profit entity, which provides a variety of educational services primarily to the tribally enrolled members of the Kyle community and surrounding service area.

The Little Wound School Board receives federal government funds under the authority of the Indian Self Determination and Education Assistance Act, the Tribally Controlled Schools Act of 1988, and other federal statutes. The Little Wound School is not dependent upon funding by the State of South Dakota, as a primary funding source, but can apply for special funding sources that are available from State. The Little Wound School is a "tribal organization" as that term is defined in 25 U.S.C. §450b (1).

*Ref.: Oglala Sioux Tribe Resolution. 70-51*

## **1.03 BOARD AUTHORITY** (attach constitution and by-laws)

Board authorities are listed in the Constitution and By-Laws and the LWSPP. The Board exercises power only when in official session and votes to take action with a majority vote of the Board necessary to transact business, pursuant to the provisions of this section.

## **1.04 BOARD POWERS AND DUTIES**

1. The program of the Board shall be educational and shall be developed through conferences, committees, projects, and school visitations.
2. This Board shall be non-commercial, non-sectarian, and non-partisan. No commercial enterprise and no political candidate shall be endorsed by it.
3. This Board, as individuals, shall not seek to direct the administrative activities or to control policies of the school but, as a Board, will carry out such powers as it has, unless such individual member has been delegated by the Board to act on its behalf.

4. This Board may cooperate with other organizations or agencies active in child welfare and citizenship, such as conference groups, coordinating councils or others, provided they make no commitments that bind member groups.
5. The powers of the Board shall be those granted in Oglala Sioux Tribal Resolutions No. 70-51 and 7606 and as follows:
  - a. To buy, own, sell, assign, mortgage, or lease any interest in real or personal property for such periods as may be authorized by law and to hold, manage, mortgage, and sublease the same;
  - b. To make contracts, including contracts for employment, and to receive financial assistance from any governmental or private source and to expend its funds in furtherance of its purposes;
  - c. To borrow money and to issue evidence of indebtedness in furtherance of the purposes of the corporation and to secure the same by mortgage, pledge, or other lien upon the property of the corporation; and
  - d. To sue and be sued in its corporate name to the extent allowed by law, the Oglala Sioux Tribe hereby giving its irrevocable consent to allowing the corporation to sue and be sued upon any contract, claim obligation of the corporation arising out of the accomplishment of its purposes and hereby authorizing the corporation to waive immunity from suit which it might otherwise have; provided, however, that neither the Oglala Sioux Tribe of the Pine Ridge Reservation, nor any of its property, shall be liable for the debts or obligations of the corporation. This clause is not an express or implied waiver of sovereign immunity. Further, Little Wound School has no authority to waive sovereign immunity for the Oglala Sioux Tribe.

*Ref.: LWSB Constitution and By-laws (Article III)*

### **1.05 BOARD MEMBER LEGAL STATUS**

An individual Board member has legal status only in the board member's legal capacity as part of Little Wound School Board.

### **1.06 NUMBER AND TERM OF BOARD MEMBERS**

Little Wound School Board establishes the following terms and number of Board members. There will be five (5) adult voting members with the following procedure to establish staggered terms:

1. Two members will be elected for four (4) year terms.

2. Three members will be elected for four (4) year terms, two (2) years after those members elected in 1.06(1).
3. Two student non-voting members will be elected yearly by procedures set by the Student Council, one for high school and one for middle school.

*Ref.: LWSB Constitution and By-laws (Article IV & V)*

### **1.07 BOARD MEMBER QUALIFICATIONS**

1. Any eligible member of the Oglala Sioux Tribe who lives in the Little Wound School service area and who is willing to take the oath of office is eligible to become a Board member upon election by the community.
2. Two students will sit on the Board as non-voting members. These students will be chosen for a period of one school year in a manner decided by the Student Council who will notify the Board of their selection in writing.
3. Eligibility is determined by these policies (subject to all applicable Oglala Sioux Tribal Election Ordinances). Eligibility shall include the requirement that after a candidate takes out a petition to run for the School Board, the candidate shall take a drug test which must come back negative *before* the candidate can be certified to be placed on the ballot. In the event there is a conflict between the policies and Tribal Ordinances, Tribal Ordinances (not resolutions) shall prevail over LWS Policies.

*Ref.: LWSB Constitution and By-laws (Article VI)*

### **1.08 BOARD MEMBER TERM OF OFFICE**

1. Newly elected Board members shall assume their official duties at the first regular business Board meeting after the election. In the event a newly elected Board member is unable or unwilling to take the oath of office, the prior Board member shall continue to serve until the Board can hold a special election no later than December 31 of the same year.
2. The oath of office shall be administered at the first regular Board meeting following the election.

*Ref.: LWSB Constitution and By-laws (Article V)*

### **1.09 BOARD MEMBER METHOD OF ELECTION**

1. Elections for Little Wound School Board shall be in accordance with Little Wound School By-Laws or Little Wound School election ordinances and Oglala Sioux Tribal election ordinances when such ordinances specifically apply to school boards within the Pine Ridge Indian Reservation. All current or reused election ordinances shall be provided to the Oglala Sioux Tribal Council and Oglala Sioux Tribe Education Office whenever reused, modified, or canceled. Elections shall take place in the same year as regular Tribal elections, and may be held in conjunction with the general election of the Tribe, or may be held upon a date separate from the Tribal election, depending upon the mandate of the Little Wound School By-Laws or election ordinances.
2. Any eligible voter of the Oglala Sioux Tribe who lives in the Little Wound School service area may take out a nominating petition and be placed on the ballot, upon certification of the petition.
3. Any eligible voter of the Oglala Sioux Tribe who is a resident of the Little Wound School service area and who is otherwise eligible under the laws of the Oglala Sioux Tribe to vote in tribal elections shall be eligible to vote in the Little Wound School Board election.

*Ref.: LWSB Constitution and By-laws (Article V), also LWSB Election Ordinance.*

#### **1.10 BOARD MEMBER UNEXPIRED TERM FULFILLMENT**

Any vacancies occurring in the membership of the Board shall be filled pursuant to Article VI of the Little Wound School Constitution and By-laws.

A vacancy on the Board shall be deemed to have occurred when a member:

1. Dies;
2. Resigns;
3. Ceases to physically reside within the Little Wound School service area;
4. Is unable to serve on the Board and attend meetings for more than 90 days;
5. Mental illness rendering the member unfit for membership;
6. Fails to discharge the duties of the member's office;
7. Fails to qualify as provided by law;
8. Is convicted of a felony or any offense involving moral turpitude;

9. Fails to attend three (3) consecutive regular or budget Board meetings without being excused;
10. Applied for any paid position of employment including extra duty contracts within the school system and board members shall be allowed to volunteer to assist the school.
11. Attends a Board meeting under the influence of alcohol, illegal drug(s), or inhalant(s);
12. Violates any provision of the School Board Code of Ethics (See Section 1.57).
13. Refusal to consent to a drug/alcohol test.
14. Testing positive in a drug/alcohol test.

Any vacancy occurring in an office shall be so declared by the Board and filled as indicated in sub-section a. and b. directly below.

1. In the event a vacancy occurs in the first two (2) years of term of office, the vacancy of the unexpired term shall be filled by a special election from candidates which are in compliance and eligible pursuant to Article V, Section II of the Little Wound School By-Laws.
2. In the event a vacancy occurs in the last two (2) years, the vacancy of the unexpired term shall be filled by a majority vote of the Board.

*Ref.: LWSB Constitution and By-Laws (Article XI)*

### **1.11 BOARD MEMBER RESIGNATION, DISCIPLINE, SUSPENSION AND REMOVAL**

Members may resign at any time in writing. A retiring member shall furnish the new member replacing them with their accumulated materials.

Official materials given to a Board member remain the property of the Board and shall be returned when a member leaves the Board.

Board members may be disciplined, suspended, or removed by the Board. The grounds for such discipline are as stated in Section 1.10 and additionally as follows:

1. Arrest of a Board member for any drug or alcohol related incident on or off the Pine Ridge Indian Reservation. However, if the Board member is acquitted or the member's case is dismissed, then the board member shall be fully reinstated and the discipline shall be reversed.

2. Conviction of a Board member for any drug or alcohol related incident on or off the Pine Ridge Indian Reservation.
3. In accordance with current tribal election ordinances.
4. Any conduct, actual or threatened, which is adverse to the interests of the Little Wound School, its Board, Officers, Administrators, and Employees.
  - a. In the event of the arrest of a Board member for any drug or alcohol related incident on or off the Pine Ridge Indian Reservation, the Board member shall be immediately suspended by a majority of a quorum of the Board at the next regular or special Board meeting. If the Board member is later acquitted, or is not convicted for other procedural or substantive reasons, and the drug or alcohol related incident is dismissed, the Board member shall be immediately reinstated at the next regular or special Board meeting.
  - b. In the event that a Board member is convicted for any drug or alcohol related incident on or off the Pine Ridge Indian Reservation, then the Board member shall be immediately removed from the Board by a unanimous vote of the remaining Board members at the next regular or special Board meeting after a judgment of conviction has been entered by a Court of competent jurisdiction.

Further, any such convicted Board member shall not seek election to the Board for a period of five (5) years from the date of the guilty verdict.

5. Breach of executive session confidentiality.

*Ref.: LWSB Constitution and By-Laws (Article IX).*

### **1.11b BOARD MEMBER HEARING AND REMOVAL PROCEDURES**

Any parent, staff or community member, or fellow Board member may bring a complaint against a Board member, but such complaint shall state specific allegations of policy or law violations, and specific factual allegations. The complaint shall be filed either with the Board Secretary or Superintendent, unless the complaint is against the Secretary, in which case the Complaint shall be filed with the Chairperson or Vice-Chairperson of the Board.

Any Board member who has a timely and properly brought complaint against the board member shall be allowed both notice of the allegations against the board member and a hearing at which the board member shall be afforded a meaningful opportunity to be heard. The Board member shall be suspended from participating as a Board member until the hearing has been completed and a decision is reached. If the hearing results in discipline or removal of the Board member, then the Board member shall be further suspended or removed accordingly. The hearing shall be in executive session and shall be confidential, except for witnesses called by the



Board member or complaining party. At the hearing, the Board member may be accompanied by an attorney of their choosing (and expense). The Board member has the right to present evidence and testimony, cross-examine witnesses, and provide supporting documentation. The rules of evidence and procedure shall not apply, but the School Board shall require that the hearing be conducted in an orderly fashion and may appoint the School attorney to be the hearing officer in order to conduct an orderly hearing. The School Board may issue an oral decision at the end of the hearing, or it may choose to issue a written decision, which shall be provided to the Board member within five (5) business days of the end of the hearing. The complaining party may also be advised of the decision of the Board, but shall have no right to any confidential information or documents disclosed during the hearing.

The decision of the School Board shall constitute a final decision of the Little Wound School. A Board Member may only be removed for violation of the Code of Ethics, the Little Wound School Policies and Procedures, Oglala Sioux Tribal law or ordinance, or federal law.

### **1.12 SCHOOL BOARD GOALS**

1. To promote the welfare of the children in the home, school, community and service area.
2. To raise the standards of education in the Little Wound School attendance area.
3. To bring parents and the school into a closer relationship.
4. To develop programs to benefit the people of the community and service area.
5. To ensure that the community and service area is informed of major education issues.
6. To develop united efforts between educators, the community and the service area that will secure the highest advantages in education for every child.
7. To maintain an atmosphere and curriculum in the school that will instill knowledge and pride in the Lakota culture.
8. To carry out the goals expressed in the Little Wound School Constitution and By-laws.

### **1.13 BOARD OFFICERS**

The following officers shall be nominated and elected during the first regular meeting of the newly constituted school board after each school board election, and the successive December the following year, by the Little Wound School Board members:

1. Chairperson
2. Vice-Chairperson
3. Secretary-Treasurer

Any vacancies occurring in an office shall be filled by a majority vote of the remaining members of the Board.

Officers shall assume their official duties at the first regular meeting after each school board election, upon election, and at the first meeting in December in the year in between school board elections.

*Ref.: LWS Constitution and By-Laws (Article VI - Section I)*

#### **1.14 BOARD OFFICERS - METHOD OF ELECTION**

Once a quorum is established, the appropriate outgoing officer shall preside over election of the new Chairperson, with nominations received from the Board members present. The vote shall be by show of hands unless decided otherwise by the Board.

Once elected, the new Chairperson shall immediately assume the position of Chairperson and shall preside over the election of the Vice-Chairperson and the Secretary/Treasurer, and any remaining business.

#### **1.15 DUTIES OF BOARD CHAIRPERSON**

The Chairperson shall preside at all meetings, make reports and perform all other duties required by law. In addition, the chairperson as presiding officer shall:

1. Call the meeting to order at the appointed time.
2. Conduct business to come before the Board in its proper order.
3. Assign the floor to members who wish to speak and protect the speaker from any interference.
4. Explain the effect of a motion if not clear.
5. Restrict discussion to the question before the Board.
6. Sign all acts or orders necessary to carry out the will of the Board.
7. Put motions to a vote, state definitely and clearly the vote and the result thereof.
8. Appoint committees as the Board finds necessary.
9. Be spokesperson for the Board at all times except when this responsibility is delegated to others, by the Chairperson.

10. Participate as a regular voting member of the Board.

### **1.16 DUTIES OF BOARD VICE-CHAIRPERSON**

The Vice-chairperson shall assist the Chairperson and shall perform the duties of the Chairperson in the absence of the Chairperson.

*Ref.: LWSB Constitution and By-Laws (Article VI - Section V)*

### **1.17 DUTIES OF BOARD SECRETARY/TREASURER**

In the absence of the Chairperson and Vice-Chairperson, the Secretary/Treasurer shall preside over official meetings and perform the duties of the Vice-Chairperson in the absence of the Vice-Chairperson. The Secretary/Treasurer shall keep an accurate record of all meetings of the Board and shall perform other duties as designated.

*Ref.: LWSB Constitution and By-Laws (Article VI - Section VI)*

### **1.18 SCHOOL BOARD MEMBERS**

Individual Board members or groups of Board members shall not have independent authority to speak for the Board and shall make no out-of-meeting commitments or conduct Board business unless directed to do so by the Board.

The Board is not bound in any way by any statement or action made by an individual Board member or employee, except when such statement or action is pursuant to specific Board instructions.

### **1.19 NEW BOARD MEMBER ORIENTATION**

Following the election, but before the new Board member takes office, the current Board shall designate a Board member and/or employee to conduct an orientation for the new Board member(s).

The Board Chairperson and Superintendent shall assist each new Board member to understand the functions, policies, and procedures before and after taking office.

Newly chosen Board members are encouraged to attend Board meetings in the interim between their election and the start of their term of office and shall be given selected materials dealing with the school.

## **1.20 BOARD MEMBER DEVELOPMENT OPPORTUNITIES**

Board members are encouraged to participate in meetings, conferences, and workshops of state and national education associations and to take part in other activities which will help them become better informed and able to perform their duties. Participants shall share the information, recommendations, and materials acquired with the Board and appropriate staff.

Funds for participation at such meetings and activities will be budgeted for annually. When funds are **limited**, the Board shall designate which members may attend such meetings or activities.

## **1.21 BONDED BOARD MEMBERS**

All Board members signing checks shall be bonded and included under the school's blanket bond.

## **1.22 BOARD COMPENSATION AND EXPENSES**

Reimbursement to Board members for official travel shall follow travel expense procedures established herein.

Board members shall be compensated at a rate established at the first regular meeting in July. For all officially sanctioned conferences, workshops, student and personnel hearings, and work sessions attended, the Board shall be compensated at the rate plus expenses established at the first regular meeting in July. No more than one board stipend will be paid per day, but actual travel expenses shall be paid in accordance with Travel policies. No stipend shall be paid for board member attendance at student activities that are not mandatory. The Board may approve payment of travel expense for specific events. The number of board meetings for which a stipend is paid cannot exceed 24 meetings per year.

The two elected non-voting students shall receive \$100 each for each regular board meeting.

Board members shall be compensated for check signing at a rate of \$25.00 per day plus mileage only when called upon to sign checks by authorized personnel. The Board member may donate the money back to the school or the School Board Scholarship for students.

## **1.23 BOARD COMMITTEES**

The Board may appoint standing committees composed of one Board member, community members and Little Wound School staff and students or as deemed appropriate. Standing committees shall be composed of Board members and appropriate LWS staff, faculty and students. Standing committees shall not conduct official business, but report to and recommend action to the Board.

The Board may also appoint temporary committees, which shall report to it in a manner and at a time prescribed with such committees to be dissolved by a majority vote of the Board.

Only the Board has authority to dissolve committees it establishes and may set compensation for committee members.

### **1.24 SCHOOL ATTORNEY**

The Board shall retain an attorney for legal counsel who shall serve at the pleasure of the Board. The attorney will be required to attend such meetings where the attorney's services are needed. Attorney's services are also available to the Superintendent, Business Manager and Human Resources Director by permission of the Board, which may be revoked by the Board in the event of a conflict of interest. School attorney will provide annual report submitted at the annual meeting (2nd Week of July).

### **1.25 ADVISORY COMMITTEES**

The Board has the authority to establish and compensate committees that have no power except to advise the Board in matters relating to the educational goals of Little Wound School. Advisory committees of the two following categories shall be organized when appropriate:

1. Board-appointed advisory committees shall function within the organizational framework approved by the Board. The composition of advisory committees shall be broadly representative and consider the specific task(s) assigned to it.
2. Advisory committees required under federal, tribal, and state programs shall function in accordance with the regulations pertaining to each program. The Board shall grant to those bodies the advisory responsibilities relevant to the planning, implementation and assessment of such program or project. The Board will instruct each committee as to:
  - a. The length of time each member is being asked to serve;
  - b. The service the Board wishes the committee to render;
  - c. The resources the Board will provide;
  - d. The approximate dates the Board wishes to receive major reports;
  - e. Responsibilities for the release of information to the press.

### **1.26 CONSULTANTS**

All consultant contracts must have prior Board approval before the delivery of any services at the school. Any consultant services not approved in advance will result in nonpayment to the consultant. However, the Board may, at its discretion, approve consultant contracts retroactively where the Superintendent has had to act without advance Board approval.

Consultants approved by the Board shall be paid as soon as the task is completed and the paperwork is submitted according to the consultant contract agreement. Consultants exercise no authority over the work of school employees. Any payment of cash or any form of honorarium

consideration that is greater than \$500 must be approved by the Board. Gift cards are not to be used under any circumstances.

### **1.27 AWARDS, RECOGNITIONS, CERTIFICATES**

The Board shall recognize outstanding achievement and service to the educational community with award of certificates of appreciation to Board members, staff, students, and community members.

### **1.28 ANNUAL MEETING**

The annual meeting shall be held on the second week in July.

*Ref.: LWSB Constitution and By-Laws (Article VII - Section IV)*

### **1.29 REGULAR BOARD MEETINGS**

Regular meetings of the Board shall be held on the first Monday of each month at 6:00 p.m. (postponed if no quorum before 6:30 p.m.), or at another convenient time set by the Board. Budget meetings of the Board shall be held on the third Monday of each month at 6:00 p.m. (postponed if no quorum before 6:30 p.m.), or at another convenient time set by the Board. If the Monday falls on a recognized school holiday, the meeting shall be in recess until Tuesday at 6:00 p.m. (postponed if no quorum before 6:30 pm). The Superintendent shall attend all meetings of the Board, including the budget meetings. Supervisors shall attend Board meetings at the request of the Superintendent or the Board Chairperson. All meetings shall be conducted as scheduled unless otherwise determined by a quorum of the Board.

*Ref.: LWSB Constitution and By-Laws (Article VII - Section I)*

### **1.30 SPECIAL BOARD MEETINGS**

Special meetings may be called whenever deemed necessary by the Chairperson upon five (5) days' notice, which may be waived by a quorum present at the special meeting called by the Chairperson.

*Ref.: LWSB Constitution and By-Laws (Article VII - Section III)*

### **1.31 RECESSED MEETING**

The Board may, by a majority vote, recess an official meeting or personnel hearing until a later time, and continue the recessed meeting or personnel hearing at the point where the previous meeting or personnel hearing adjourned. Public notice shall be given of the time and place for the reconvened meeting, but not for the personnel hearing.

### **1.32 PUBLIC HEARING**

The Chairperson, or another member approved by the Board, shall preside at public hearings required by law or others deemed advisable and shall inform the public at the beginning of the hearing about the procedures that will be followed regarding questions, remarks, rebuttals, time limitations and other rules. To remark, citizens must be recognized by the chair, and all remarks must be addressed to the chair and be germane to the topic. The chair will recognize persons who have not commented previously before recognizing persons who wish to remark a second time. An audio recording and minutes shall be kept of all public hearings.

### **1.33 WORK SESSIONS**

The Superintendent or Chairperson may conduct informal work sessions with Board members that may be open to the public to discuss issues and to keep them better informed about the progress and needs of the school. No official Board action shall be taken during such work sessions. Refer to Section 1.22 for rates.

### **1.34 BOARD MEETING NOTIFICATION**

Notice shall be given of the date, time and place of all Board meetings, except special Board meetings, by Superintendent or designee five days prior to meeting by posting in open public locations within the school service area, and by issuing notice to local radio stations on the Pine Ridge Indian Reservation.

*Ref.: LWSB Constitution and By-Laws (Article VII - Section III)*

### **1.35 BOARD MEETING PREPARATION**

The Superintendent or the Superintendent's designee shall provide the Board members with information to assist them in reaching sound and objective decisions consistent with established goals prior to any Board action. Board members are expected to study the information and contact the Superintendent to request any additional information necessary to assist them in their decision-making responsibilities.

### **1.36 BOARD MEETING AGENDA**

The Board shall follow the order of business on the printed agenda or the notice of special meetings unless altered by consent of the Board members present. Items related to the general business of LWS shall be placed on the next agenda for the next regular meeting. Items related to fiscal matters of LWS shall be placed on the next agenda for the next budget meeting. At the start of the Board meeting, the Board may amend the agenda by a majority vote. Community members may petition the Board to add an item to the agenda at any time prior to a Board meeting.

### **1.37 DISTRIBUTION OF BOARD MEETING MATERIALS**

The Superintendent is responsible for preparing and disseminating an agenda and other reports to all Board members at least five (5) calendar days prior to the Board's meetings on a monthly basis. The report shall include supervisor monthly reports, minutes of previous meetings that require Board approval and any other information that will need an advance study. Publicly available Board meeting materials may be picked-up from the Superintendent's Office prior to a Board meeting.

### **1.38 RULES OF ORDER**

Robert's Rules of Order (revised) shall govern the Board, except where such rules are in conflict with the Constitution and By-Laws and the policies and procedures of Little Wound School. The Board shall decide when such rules are in conflict with the above-mentioned authorities.

*Ref.: LWSB Constitution and By-Laws (Article VIII - Section I)*

### **1.39 QUORUM**

Three (3) voting members of the Board shall be present at official meetings to constitute a quorum to transact business.

*Ref.: LWSB Constitution and By-Laws (Article VII - Section IV)*

### **1.40 AMENDMENTS TO THE CONSTITUTION**

The Constitution and By-Laws may be amended by a unanimous vote of the Board at a regular meeting. Amendments to the Constitution (or Articles of Incorporation) have no effect until approved by the Oglala Sioux Tribal Council or the Tribe's Executive Committee.

*Ref.: LWSB Constitution and By-Laws (Article X - Section I)*

### **1.41 VOTING METHOD AT BOARD MEETINGS**

Voting at all meetings of the Board shall be by show of hands unless otherwise established by a majority vote of the Board members present and the results shall be duly recorded in the minutes. Actions by the Board shall be by motion or resolution. Discussion by the Board of a matter does not constitute Board action. Only those items voted on by motion or resolution constitute an action of the Board.

### **1.42 MINUTES OF BOARD MEETINGS**



The Board shall appoint a recording secretary to keep the minutes of all official Board meetings. Minutes of Board meetings are a written record of the proceedings, must be approved by a majority vote of the Board, signed by the Board Chairperson and may be published. The recording secretary's name shall be noted on each set of officially approved minutes. Minutes of Advisory Committee meetings must be submitted to the Board for their approval. An official record of the minutes shall be kept on file in the Superintendent's Office and are open to public inspection during the working day.

### **1.43 PUBLIC PARTICIPATION AT BOARD MEETINGS**

The Board encourages advice or input from the community it serves. In order to affect this, the Board shall schedule thirty minutes of time for brief comments and questions from the public. This brief period shall be conducted as follows:

1. Members of the public wishing to make formal presentations before the Board shall make arrangements in advance in writing to the Superintendent or Board Chairperson to be scheduled on the agenda.
2. Comments or questions at a regular meeting may relate to any topic concerned with Board conduct of the schools and at special meetings can only deal with the agenda topic.
3. Speakers may offer criticism of school operations and programs, but no personal complaints against school personnel will be allowed.
4. People who speak shall limit their remarks to a maximum of fifteen minutes and groups are urged to designate a spokesperson.
5. The Board Chairperson shall call on all speakers who shall properly identify themselves, maintain order, and adhere to the time limits set and the item(s) on the agenda.
6. Questions shall be answered immediately by the Chairperson or referred to staff members present for a reply. Those questions, which require further examination, shall be referred to the Superintendent for consideration and a later response.
7. The Board encourages the attendance and participation by District officers at each public Board meeting.

By a majority vote, the Board may require any person who disturbs good order to leave the meeting.

### **1.44 BOARD MEETING NEWS COVERAGE**

A copy of the agenda will be sent in advance of all official Board meetings to members of the news media who request it. Representatives of the news media who are unable to attend a Board meeting may be provided with approved Board minutes upon their written request to the

Superintendent. Individual Board members shall refer requests from news media representatives for information about Board meetings and Little Wound School to the Board Chairperson.

### **1.45 EXECUTIVE SESSION**

All meetings of the Board shall commence as a public meeting. The Board may enter into executive session upon the approval of a motion to declare an executive session for the following purposes as specified by law:

1. To discuss acquisition of real property or litigation brought by or against the school;
2. To consider information regarding the appointment, employment, disciplinary action or dismissal of a public officer or employee;
3. To conduct a hearing of a student disciplinary action;
4. Attorney/client privilege recognized by tribal or federal law(s);
5. To take any other action where tribal or federal statute require a closed session;
6. To protect the privacy of students.

Any Board member who violates executive session may be removed by a remainder of a quorum of the Board, and an Administrative or staff member may be terminated.

### **1.46 POLICY DEVELOPMENT**

The Board is the policy making body for the school and shall exercise leadership in the operation of the school through the development and adoption of written policies. Changes in the needs, conditions, purposes, and objectives of the school will require revisions, deletions and additions to Board policies. Proposal(s) for new policy or change(s) to existing policy may be initiated in writing to the Superintendent or Board Chairperson by any resident and LWS staff of the school service area. The proposals shall be considered by the Board prior to the revision of any related policies.

### **1.47 POLICY DRAFT WRITER**

The Superintendent or their designee shall be responsible for drafting policy recommendations into acceptable written form for further deliberation or action by the Board.

### **1.48 POLICY DRAFTING**

The policies of the Board shall be in compliance with tribal and federal laws, rules and regulations. The Superintendent shall seek the counsel of the school attorney for an opinion on all proposed policy revisions.

#### **1.49 POLICY ADOPTION**

Final policy-making authority shall be exercised by the Little Wound School Board through utilization of the following procedures:

1. A policy may be amended by a majority vote of the Board at any regular meeting with a quorum present, after the procedures laid out in Sections 1.46, 1.47 and 1.48 have been completed.
2. The recommendations of the Superintendent and viewpoints of persons or groups affected by the policy shall be considered by the Board.
3. Policies are in effect on the date of adoption or time designated by the Board.

#### **1.50 TEMPORARY POLICY**

The Board may temporarily approve a policy to meet emergency conditions under extraordinary conditions. Regular policy making procedures shall be followed before a temporary policy may become permanent. A temporary policy shall be in effect for no longer than ninety (90) days.

#### **1.51 POLICY DISSEMINATION**

The Superintendent shall develop and maintain a plan for preserving and making accessible to the public the policies adopted by the Board and the rules and regulations needed to put them into effect. The Superintendent shall provide access to an updated Policy Manual for members of the Board and all employees of the school, its students and the general public. The Board Policy Handbook is a matter of public record and shall be open for public inspection at the Superintendent's, Principal's, or Human Resources Office during the working day.

#### **1.52 POLICY REVIEW**

Little Wound School policies shall be reviewed annually at a working session of the Board, Public, and appropriate administrative staff. The Board shall consider the success of existing policies in achieving the educational and student developmental goals of Little Wound School and shall revise the policies to conform to those goals.

#### **1.53 REVIEW OF ADMINISTRATIVE DIRECTIVES**

The Board may review directives issued by the administration and veto such rules at its discretion.

#### **1.54 ADMINISTRATION IN POLICY ABSENCE**

The Board intends that written policies serve as mandatory guidelines for the discretionary action of those in authority and as a source of information and guidance for persons who are interested in or affected by the policy. The Superintendent has the authority to act in the event the policies and procedures or the Board has provided no guidance for required administrative action. Such decisions shall be subject to Board review at the next regular Board meeting. The Superintendent shall promptly inform the Board of such action and of the need for policy guidance.

#### **1.55 SCHOOL BOARD RECORDS**

The Secretary/Treasurer of the Board is the legal custodian of all official records of the Board. The Secretary/Treasurer shall also be responsible for the safekeeping of all official papers and other documents which belong to the Board or that pertain to its business. The Secretary/Treasurer shall designate the location of all official records, so long as they are maintained on Little Wound School property, or in the office of the LWS attorney. The official minutes of the Board, the written policies and financial records shall be open for inspection in the Superintendent's Office by any citizen desiring to examine them during regular working hours. The Superintendent may be designated as the physical custodian of the official records of the Board. Any unauthorized persons will not release confidential files pertaining to individual students or staff for inspection.

#### **1.56 MEMBERSHIP IN SCHOOL BOARD ASSOCIATIONS**

The Board shall participate as a group and on an individual basis as fully as possible in educational associations and may join any organization by resolution. The dues for such membership shall be paid out of the general fund, if membership has already been approved by the Board.

#### **1.57 SCHOOL BOARD CODE OF ETHICS**

Education at Little Wound School rests on firm commitments to the dignity and worth of the individual; to the preeminence of enlightenment and reason over force and coercion; and to government by the consent of the governed. Schools prosper to the extent they merit the confidence of the people. In judging schools, society is influenced to a considerable degree by the character and quality of their School Board. To meet these challenges, School Boards have an obligation to exercise leadership. School Board Members shall comply with the following code of ethics:

1. Attend all meetings, discuss items presented on the agenda, suggest other items for consideration, and vote and act upon motions and resolutions impartially for the good of the school.
2. Accept the will of the majority vote in all cases and give support to resulting policy.
3. Become familiar with school policies and procedures, and the school laws of the Oglala Sioux Tribe and the United States government.
4. Have knowledge of the educational aims and objectives of the school.
5. Represent the Board and the school to the public in such a way as to promote interest and support.
6. Refer all written suggestions and complaints to proper school authorities and abstain from individual counsel and action.
7. Exercise no administrative responsibility with respect to the school.
8. Refrain from commanding the services of any school employee.
9. Respect the civil rights of those with whom the school board member has contact in the performance of board member duties.
10. Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, deceit, moral turpitude, illegal drugs, or use of misleading or false statements.
11. Develop, interpret, and accurately represent School Board policies.
12. Distinguish personal politics, attitudes and opinions from School Board policies.
13. Safeguard confidential information, including executive session.
14. Not allow decisions or actions to be impaired or influenced by personal gain, gifts, gratuities, favors and services made or withheld.
15. Avoid preferential treatment and conflicts of interest.
16. School Board members applying for employment or extra duty at LWS shall first resign from their position on the board.

## **1.58 BOARD CONFLICT OF INTEREST**

When a person applying for employment is a member of the immediate family of a Board or Committee member which by rule or practice regularly nominates, recommends or screens candidates, that relative shall be disqualified from participation in any selection procedure or subsequent personnel action. The requirements of this section shall include service contracts. Further, any Board member so related shall abstain from Board action involving a member of that Board members immediate family.

"Immediate family member" is defined in the Oglala Sioux Tribe's nepotism/personnel policies as meaning first degree relatives, i.e., father, mother, son, daughter, sister, brother, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister, grandfather, grandmother or grandchildren.