

FOND DU LAC ORDINANCE #17/93, AS AMENDED

CHARTER OF THE FOND DU LAC OJIBWE SCHOOLS

Adopted by the Fond du Lac Reservation Business Committee by Resolution #1358/93 on November 18, 1993.

Amended by Ordinance #01/95 of the Fond du Lac Reservation Business Committee, adopted by Resolution #1014/95 on January 10, 1995.

Amended by Ordinance #04/96 of the Fond du Lac Reservation Business Committee, adopted by Resolution #1087/96 on March 26, 1996.

Amended by Ordinance #09/96 of the Fond du Lac Reservation Business Committee, adopted by Resolution #1231/96 on September 10, 1996.

Amended by Ordinance #03/97 of the Fond du Lac Reservation Business Committee, adopted by Resolution #1112/97 on April 30, 1997.

Amended by Ordinance #01/08 of the Fond du Lac Reservation Business Committee, adopted by Resolution #1085/08 on March 26, 2008.

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Pursuant to the authority granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band of Lake Superior Chippewa, does hereby charter the Fond du Lac Ojibwe Schools to engage in those activities prescribed herein relating to the administration and operation of the Fond du Lac Ojibwe Schools on the Fond du Lac Reservation in Cloquet, Minnesota.

101. **Name**. The name of the organization shall be the Fond du Lac Ojibwe Schools (hereinafter referred to as the "Schools").
  
102. **Purpose**. The purpose of the Schools shall be to provide for the education of members of the Fond du Lac Band of Lake Superior Chippewa and other eligible individuals in a manner which is consistent with applicable law and with the values, customs and traditions of the Ojibwe people.
  
103. **Structure of the Schools**. The Schools shall be structured in the following manner:
  - a. **Governing Board**. The governing board of the Schools shall be the Fond du Lac Ojibwe School Board (hereinafter referred to as the "School Board"), which is hereby assigned the responsibilities and delegated the authority prescribed herein to carry out the purpose of the Schools.
  
  - b. **Superintendent of Education**. The chief administrative officer of the Schools shall be the Fond du Lac Superintendent of Education. The Superintendent shall be directly accountable to the Fond du Lac Executive Director, shall serve as the agent of communication between the School Board and the Reservation Business Committee, and shall report to the School Board monthly on the affairs of the Schools. In the event that the Superintendent is unable to attend a School Board meeting, a delegate of the Superintendent shall report to the School Board. The Superintendent shall report directly to the Executive Director of the Band, who shall in turn report to the Reservation Business Committee on all matters related to school administration and operations.

- c. **Principal.** The Principal of each School shall be responsible for the day-to-day administration and operation of the School, including all personnel management and student disciplinary matters, subject to the review and supervision of the Superintendent of Education. The Superintendent shall report to the Executive Director on all aspects of the Schools' operations.
- d. **Policies and Procedures.** The personnel policies of the Reservation Business Committee shall serve as the personnel policies of the Schools. The School Board or the Superintendent may recommend to the Reservation Business Committee such supplemental personnel policies as may be necessary to the particular needs or purposes of the Schools, or as may be required under applicable law. Student conduct at the Schools shall be governed by a Student Handbook, which will inform the students of the rules of the Schools and of the students' rights and privileges. The Student Handbook shall be subject to the review and approval of both the School Board and the Reservation Business Committee.
104. **Attributes.** The Schools is a subdivision of the Fond du Lac Band of Lake Superior Chippewa, and the actions taken by the School Board shall be imbued with those privileges and immunities inherent to the Fond du Lac Band, except as limited herein. Nothing in this Charter shall be deemed or construed as a waiver of the sovereign immunity of the Fond du Lac Band, or to constitute consent by the Fond du Lac Reservation Business Committee or the School Board to suit, except as provided herein.
105. **Admission to the Schools.** Preference for admission to the Schools shall be given to enrolled members of the Fond du Lac Band who are otherwise eligible to attend the Schools. Eligibility for admission to the Schools for all other individuals, consistent with the purpose set forth under Article 102 of this Charter, shall be granted according to the following order of priority: (a) enrolled members of the Minnesota Chippewa Tribe; (b) enrolled members of other federally-recognized Indian tribes; (c) nonenrolled individuals who can provide documentary evidence of their Indian ancestry; and (d) all others.

106. **School Board Membership.** The School Board shall consist of eight (8) members, who shall be appointed by the Reservation Business Committee to terms of four (4) years. Of the eight (8) members, six (6) members shall reside on the Fond du Lac Reservation and shall consist of two members from each District (Brookston, Cloquet and Sawyer), one (1) member shall be at large; and one (1) member shall be an Ojibwe School staff representative who shall be appointed by the Reservation Business Committee to a one year term, beginning on August 31 of the relevant year and ending on August 31 of the following year. The Reservation Business Committee may appoint temporary members to the School Board, consistent with the provisions of this Charter, as necessary to serve out the remainder of existing terms on the School Board. The Reservation Business Committee may consider the recommendations of the School Board in making such appointments, and shall notify both the appointee and the School Board of such appointments. A majority of School Board members must be enrollees of the Fond du Lac Band. If a Board member moves out of the district they represent they will be allowed to complete their current term of office.
107. **Resignation, Removal or Suspension of School Board Members.** A member of the School Board may resign from the Board by providing written notice of resignation to the Board Chairperson. A member with three (3) consecutive unexcused absences shall be presumed to have resigned from the School Board. A member of the School Board may be removed by the Reservation Business Committee for misconduct, malfeasance, or crimes of moral turpitude. Where a member of the School Board has been charged with a crime of moral turpitude, or where the Reservation Business Committee has considered reliable allegations of such conduct, the Reservation Business Committee may suspend that member until such time as that member has been exonerated of those charges or allegations. The School Board may recommend removal or suspension of a Board member to the Reservation Business Committee for any of the above-stated reasons, provided that the conduct at issue is reasonably substantiated.
108. **Officers.** The School Board shall elect from among its members a Chairperson, a Vice-Chairperson, and Secretary, subject to the approval of the Reservation Business Committee. The Chairperson shall preside at all meetings of the Board or, in the absence of the Chairperson, the Vice-Chairperson shall preside. The Chairperson shall have the responsibility to see that all the functions of the School Board are satisfactorily conducted and shall perform all general responsibilities which are inherent to that office.

The Secretary shall prepare and maintain the minutes of the School Board and shall provide copies of Board minutes to the Reservation Business Committee within ten (10) days of approval. An officer may be removed from that office by majority vote of a quorum of the School Board.

109. **Powers.** The School Board shall have the following powers, subject to the review and approval of the Reservation Business Committee:

a. **Establishment of Policies and Procedures.** The School Board shall have the authority to establish such policies and procedures as are necessary to govern the actions and general administration of the Schools consistent with the purposes prescribed under Article 102 of this Charter, specifically including policies and procedures in the following areas:

1. Academic standards;
2. Financial management;
3. Personnel management;
4. Student rights and responsibilities;
5. Annual reporting;
6. Audit preparation; and
7. Such other areas designated by the Reservation Business Committee.

b. **Educational Standards.** The School Board shall have the authority to develop, waive, and revise in whole or part the educational standards of the Schools in order to meet the specific needs of the students of the Schools, to meet the requirements of applicable laws and regulations, as well as the standards required by accrediting agencies. The School Board may develop a philosophy of education for the Schools consistent with the purposes prescribed under Article 102 of this Charter.

c. **School Financial Plan and Budget.** The School Board shall have the authority to review, modify, reject and amend the financial plan of the Schools subject to the approval of the Superintendent of Education and the Reservation Business Committee. The Superintendent shall annually develop and present to the School Board the financial plan of the Schools and shall clearly delineate all recommended expenditures by program. The Superintendent shall present to the Board at regular monthly meetings a financial statement of monthly expenses and revenues. The fiscal records of the Schools shall be maintained and managed by the Fond du Lac Program Accounting Department, which shall follow the accepted rules of accounting and

the accounting policies of the Reservation Business Committee, absent a contractual or other legal requirement to the contrary. The School Board shall have the authority to recommend budgets to the Superintendent.

- d. **Contracts, Agreements and Payments.** The School Board shall negotiate and execute all contracts on behalf of the Ojibwe Schools, subject to budget limitations and the approval of the Executive Director. The School Board may negotiate and recommend to the Reservation Business Committee such other contracts as it deems necessary and in the best interests of the Ojibwe Schools, and such contracts shall become effective and binding upon their adoption by resolution of the Reservation Business Committee. In order to be valid, all requests for disbursements shall bear the signature of the Superintendent of Education or the signature of a delegate who has received written authorization from the Superintendent of Education.
  - e. **Personnel Evaluation and Selection.** The School Board shall have the authority to conduct an annual performance evaluation of the Superintendent of Education, in addition to the evaluation conducted by the Executive Director. The School Board shall have the authority to review and evaluate the American Indian Learner Outcomes of all teaching and support staff, and to advise the Superintendent accordingly. The School Board shall designate one member to participate in the personnel selection process.
  - f. **Appeals of Student Disciplinary and Expulsion Actions.** The School Board shall have the authority to hear and decide appeals brought by a parent or guardian of student disciplinary or expulsion actions taken by the Superintendent.
  - g. **Community Relations.** The School Board may speak to the Fond du Lac community on any matter relating to the Schools which is of concern to the community and may communicate with parents and community members as necessary to advance the purposes and interests of the Schools.
110. **Meetings.** All meetings of the School Board shall be conducted in accordance with the following procedures and the limitations set forth under Article 112 of this Charter.

- a. **Regular Meetings.** Regular Meetings of the School Board shall be held at least monthly. A written notice of a Regular Meeting must be sent to each member of the Board by the Secretary at least five (5) calendar days prior to the meeting specifying the agenda, place, date and time of the meeting.
- b. **Special Meetings.** Special Meetings of the School Board may be called by the Chairperson or by any three (3) members of the Board. A written notice must be sent to each member by the Secretary at least three (3) calendar days prior to the meeting specifying the purpose, place, date and time of the meeting and shall include the names of those members responsible for calling the meeting. No business shall be conducted at the Special Meeting except as specified in the written notice.
- c. **Executive Sessions.** The Chairperson or a majority of the School Board may call an executive session after a legally-convened meeting of the Board, having established a quorum and by a majority vote of members present, for the consideration of matters of a highly sensitive or confidential nature, or for consultation with the tribal attorney relating to matters of a legal nature. Matters discussed and/or resolved in Executive Session are to be treated with the utmost confidentiality, and Board members shall not disclose the details of Executive Sessions to unauthorized persons.
- d. **Agenda.** The Chairperson of the School Board and the Superintendent shall develop a meeting agenda based upon the regular business of the Board and issues raised by community members, staff, or other interested parties.
- e. **Quorum.** A quorum of five (5) members, at least one of whom shall be the Chairperson or the Vice-Chairperson, shall be necessary to conduct the business of the School Board.
- f. **Resolutions and Orders.** All resolutions and orders of the School Board shall be countersigned by both the Chairperson and the Secretary of the Board.
- g. **Voting Procedures.** All votes taken by the School Board shall be based upon a motion duly made and seconded. No vote shall be valid unless made during a duly-convened meeting with a quorum present. A majority of voting members present and voting shall be necessary to pass or defeat a motion. Officers of the Board, except for the presiding officer, are expected to vote on all motions.

In the event of a tie vote, the presiding officer shall cast the deciding vote.

111. **Subcommittees.** The School Board may establish standing or ad hoc subcommittees from its membership to address specific issues or projects related to the following areas: budget, social activities, education, and personnel.
112. **Limitations.** The following limitations shall apply to members of the School Board in carrying out Board functions:
  - a. **Political Activity.** No member of the School Board shall use Board membership to advance personal positions which are not directly related to the Board's purposes, to promote propaganda or to otherwise attempt to influence the outcome of legislative or political processes.
  - b. **Representation.** No member of the School Board shall represent that he or she individually speaks or acts for the Board outside of official meetings unless and to the extent that such representation is designated in advance by the Board.
  - c. **Personal Compensation.** No member of the School Board shall receive any income or compensation for serving on the Board, except to the extent that the Reservation Business Committee authorizes reasonable compensation for services rendered. The Ojibwe School teacher representative, Little Black Bear Elementary School teacher representative, and the Fond du Lac Head Start Policy Council representative shall not be eligible for compensation for attending meetings during regular work hours.
  - d. **Operational Limitations.** The School Board shall not engage in any activity which is not permitted by (1) a corporation which is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or (2) a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954.
  - e. **Conflicts of Interest.** No member of the School Board shall use his or her membership on the Board for personal gain or to benefit members of his or her immediate family. Use of one's membership on the Board in such a manner shall constitute misconduct, and shall be sufficient grounds for removal as provided under Article 107 of this Charter.

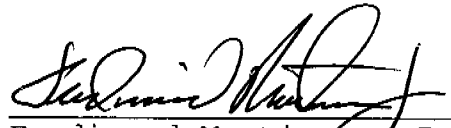
113. Amendments. This Charter shall only be amended by Resolution of the Reservation Business Committee.

**CERTIFICATION**

We do hereby certify that the foregoing Ordinance #17/93 was duly adopted by Resolution #1358/93 by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on November 18, 1993, on the Fond du Lac Reservation, and subsequently amended by Ordinance #01/95 adopted by Resolution #1014/95 on January 10, 1995; by Ordinance #04/96 adopted by Resolution #1087/96 on March 26, 1996; by Ordinance #09/96 adopted by Resolution #1231/96 on September 10, 1996; by Ordinance #03/97 adopted by Resolution #1112/97 on April 30, 1997; and by Ordinance #01/08 adopted by Resolution #1085/08 on March 26, 2008.



Karen R. Diver  
Chairwoman



Ferdinand Martineau, Jr.  
Secretary/Treasurer

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