

PUEBLO OF ACOMA LAWS 2003 (2019 Replacement)

TITLE 21 EDUCATION

This Replacement includes laws enacted since the Pueblo of Acoma Laws 2003 pursuant to Tribal Council Resolutions dated January 1, 2017 through December 31, 2018.

PUEBLO OF ACOMA LAWS 2003 (2019 Replacement)

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These laws may be cited by Title, Chapter, Section and Year as Section or
§__-__-__ Pueblo of Acoma Laws 2003 (2019 Replacement)

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**TITLE 21
EDUCATION**

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PUEBLO OF ACOMA LAWS 2003 (2019 REPLACEMENT)

TITLE 21 EDUCATION

Origins: Enacted by Tribal Council Resolution No. 2018-049 adopted on December 17, 2018.

Annotations: Formatting and numbering/lettering has been changed from the Tribal Council Resolution No. 2018-049 for the purpose of consistency with Pueblo of Acoma Laws 2003, as amended.

Chapter 1. TITLE

This document shall be titled the Education Act of the Pueblo of Acoma (POA), and it may be cited as Title 21 of Pueblo of Acoma Laws 2003.

Chapter 2. ACOMA BOARD OF EDUCATION; APPLICABILITY OF ACT

21-2-1 Acoma Pueblo, pursuant to inherent authority over formal and cultural education on Acoma Lands, adopts this Title to govern Acoma schools, other educational institutions, and chartered educational programs and chartered schools within the jurisdiction of the Pueblo of Acoma.

21-2-2 Acoma Pueblo laws shall apply to Acoma schools and other educational institutions to the maximum extent allowable under law.

A. The Acoma Tribal Council established an Acoma Board of Education through Tribal Council Resolution No. TC-NOV-07-07-VIa, giving the Board of Education responsibility to manage and oversee educational oversight of all tribal education programs. Governor, in consultation with the Tribal Council and the Acoma Department of Education, is given the authority to appoint an Acoma Board of Education (ABoE). The ABoE shall create a Charter to set out its manner of operation, which must be approved by Tribal Council. The number of ABoE members and terms of office shall be stated in the ABoE Charter. The ABoE is empowered to negotiate with federal, state, and other tribal governments, or their political subdivisions, any agreements necessary to implement the policies and provisions of this Act, subject to approval of any agreement by the Tribal Council, except as provided in Section 21-6-2(A)(9). The ABoE does not have the authority to waive the sovereign immunity of Acoma Pueblo.

B. Other rights and powers not abrogated by authority over formal education. Nothing in this Act shall be construed to authorize any abrogation of the rights of the Acoma Pueblo or its members based

upon federal law, or any diminishment of the trust responsibility of the federal government, or any duty of the state government or any political subdivision thereof, including but not limited to the obligation to provide non-discriminatory public education.

Chapter 3. PURPOSE

21-3-1 It is the intent and purpose of this Act to:

- A. Preserve, protect, and perpetuate Acoma Pueblo, by providing the necessary resources to preserve, protect, and perpetuate Acoma's resources, both natural resources and human resources.
- B. Promote intra-government understanding and coordination by providing a means to promote understanding and coordination of branches, agencies, and entities of Acoma Pueblo on the purposes, standards, and functions of education within Acoma Pueblo; and
- C. Make education a good experience and good preparation for life, by providing a means to prepare members of the Acoma community for life on and off Acoma Pueblo.

Chapter 4. DEFINITIONS

21-4-1 Unless this Act otherwise indicates, the following definitions apply herein:

- A. "ABoE" or "Board" means the Acoma Board of Education and current ABOE members for the Pueblo of Acoma. The ABoE is comprised of three members duly appointed by the Governor, in consultation with the Tribal Council and ADOE and two members appointed by Tribal Council in consultation with the Governor and the Acoma Department of Education. The number of members shall be set forth in the Acoma Board of Education Charter.
- B. "Acoma Pueblo" or "Tribal" means the Pueblo of Acoma, a federally recognized tribal government and includes the Pueblo of Acoma people as a distinct cultural, ethnic, geographical, and political group.
- C. "ADoE" or "Department" means the Acoma Department of Education, a governmental agency of the Acoma Pueblo charged and empowered with administering this Act under the direction of the Acoma Board of Education.
- D. "Controlled Substance" means a drug or other substance, as defined in Acoma Laws Title 6, Chapter 12.

- E. "Charter" or "Chartered School" means an educational institution chartered by the ABoE with the approval of the Tribal Council, or an educational institution chartered by the New Mexico Public Education Department (NMPED).
- F. "College" means undergraduate and graduate institutions.
- G. "Culture" means shared patterns of human behavior adopted by a group of humans in order to survive as a people, including but not limited to (1) interpersonal and kinship relationships with all living beings; (2) spiritual relationships; (3) values, assumptions, rules, and attitudes; (4) language; (5) social and individual development processes; and (6) acquisition and use of knowledge.
- H. "Curriculum" means any planned education experience provided for students.
- I. "Executive Director" means the Executive Director of the Pueblo of Acoma Department of Education.
- J. "Education standards" means minimum levels of performance that educational institutions must attain, or minimum requirements that educational institutions must meet to provide and document quality curriculum and educational policies and programs.
- K. "Educational data" or "data" includes, but is not limited to, attendance reports, achievement data, test results, progress reports, evaluations, language proficiency data, information about curricula and instruction, information about employment practices and staffing, information about social and economic variables, information about funding, budgets, and finance, health and safety information, information pertaining to the Affective Domain of social and emotional growth, and information about school grounds and buildings.
- L. "Educational policies and programs" include, but are not limited to, policies or programs other than curriculum that develop strong student or parent knowledge of, skills in, or involvement with schools, their students, and their curricula.
- M. "Educators" includes but is not limited to teachers, administrators, counselors, and other professional staff of educational institutions.
- N. "Governing body of another educational institution" is the authorized governing body of another educational institution, with

general charge, direction, and management of the institution, and control and care of all property used by or belonging to it, as provided and limited by applicable law.

- O. "Indian preference" means that first preference shall be given to qualified members of a federally recognized Tribe.
- P. "Local school" is any school offering early childhood education and grades kindergarten through twelfth, or any part of that span, located within Acoma Pueblo, the Grants Cibola County School District, or parochial schools that serve the Acoma Pueblo community.
- Q. "Other Educational Institution" is any school other than a local school that is located within Acoma Pueblo including, but not limited to, chartered educational programs, chartered schools, early childhood programs, and any other education program or school authorized by the ABoE.
- R. "Parent" means anyone who is a parent or legal guardian of a student, and includes parent groups and committees established under federal, state, and tribal laws.
- S. "Parenting and family life" includes, but is not limited to, family responsibilities, child growth and development, child birth and child care, prenatal and postnatal care for infants and mothers, prevention of child abuse, and related topics.
- T. "Policies and procedures regarding school governance" shall include, but not be limited to, education policies and procedures prescribed under federal, state, and tribal law.
- U. "School" is a place, institution, or process for formal teaching and learning on and off Acoma Pueblo that provides education to students.
- V. "School board" is the authorized governing body responsible for developing, maintaining, and locating local schools, and for providing educational opportunities and services on and off Acoma Pueblo for students attending public or private schools.
- W. "State" or "state government" means the State of New Mexico, or any political subdivision thereof.
- X. "Student" means anyone who is officially enrolled in a local school or another educational institution.

Chapter 5. ACOMA BOARD OF EDUCATION (ABoE) and ACOMA DEPARTMENT of EDUCATION (ADoE)

21-5-1 Creation of the Acoma Board of Education: The Acoma Tribal Council created the Acoma Board of Education through Tribal Council Resolution No. TC-NOV-07-07-VIa.

21-5-2 Power and Duties of the Acoma Board of Education: The Acoma Tribal Council created the Pueblo of Acoma Department of Education supervised and directed by a Board of Education to manage and oversee the educational oversight of all tribal education programs. (Tribal Council Resolution No. TC-NOV-07-07-VIa). As such, the Acoma Board of Education (ABoE) shall determine policy and direction for the development, implementation and coordination of access to quality services through the Acoma Department of Education (ADoE) for all education programs and schools.

21-5-3 Organization and Authority: The ABoE shall perform all functions delegated to it in this Act.

A. Board Composition: The ABoE is comprised of three members duly appointed by the Governor, in consultation with the Tribal Council and ADoE, and two members appointed by Tribal Council in consultation with the Governor and the Acoma Department of Education. The number of members shall be set forth in the Acoma Board of Education Charter.

1. Of the ABoE members, there shall be two Board members who shall serve in an ex-officio capacity, with one of the ex-officio members appointed by the Governor and the other appointed by the Tribal Council from the Tribal Council. The ex-officio Board members shall not vote.

2. Prior to any Board appointment, Governor will consult with the Tribal Council and the Department of Education regarding all nominations and Board selections.

3. Vacancies. The Acoma Board of Education shall make recommendations to the Governor and Tribal Council. Board vacancies shall be filled by the Governor or Tribal Council depending on which entity initially appointed the Board Member for the unexpired portion of the term of office.

- B. Terms: The terms of the appointed ABoE members shall be three-year terms as contained in the ABoE Charter approved by Tribal Council. Board members may be removed for neglect of duty or other good cause as set forth in the Charter of the ABoE.
- C. Compensation: The ABoE members will be compensated according to amounts approved by Tribal Council. Compensation for travel and other costs will be paid by the ADoE upon approval under the requirements of the POA.
- D. Duties
 - 1. The ABoE shall require and review regular reporting by the ADoE regarding the condition, needs, and progress of education within and outside Acoma Pueblo. Such reporting shall include, but not be limited to, an annual State of the Pueblo Education Report as provided in this Act.
 - 2. The ABoE shall actively promote and assist coordination of ADoE services and programs. The ADoE shall actively promote and assist the coordination of tribal services and programs on critical education issues to meet the intent, purposes, and policies of this Act.
 - 3. The ABoE shall recommend for Tribal Council approval all contracts or agreements with consultants. Contracts recommended for approval by the ABoE shall be subject to approved Acoma and ADoE Procurement Policies and Procedures.
 - 4. Establish tribal curriculum. The ABoE shall establish tribal curriculum in the areas specified in and in accordance with this Act. Such curriculum shall include a tribal orthography to be used in Acoma language instruction. This orthography shall be approved by Tribal Council.
 - 5. Establish tribal education standards. The ABoE shall establish tribal education standards in accordance with this Act.
 - 6. Establish tribal educational policies and programs. The ABoE shall establish tribal educational policies and programs as specified in and in accordance with this Act.

7. Adopt or reject proposed policies. The ABoE shall adopt or reject policies recommended by committees or commissions as provided by this Act.
8. Approve or disapprove ADoE appropriations and operating budgets. The ABoE shall approve or disapprove appropriations and operating budgets for the ADoE consistent with this Act.
9. Require and appropriate, from within the budget authorizations approved by the Tribal Council or other funds received by the ADoE from federal, state or private institutions, funding for equipment, facilities, and resources. The ABoE shall require and appropriate such funding for equipment, facilities, and resources for the ADoE as deemed advisable to meet the intents, purposes, and policies of this Act.
10. Seek grants and funding for education improvement. The ABoE shall seek federal, state, and private funding and grants for the improvement of education on and off Acoma Lands, including funding and grants for research, planning, and evaluation of education services.
11. Promote tribal control of education. The ABoE shall actively promote tribal control of education under charters consistent with the intents, purposes, and policies of this Act.
12. Establish advisory commissions and committees on educational, programs, policies and legislation as necessary. The ABoE shall establish advisory commissions and committees on education as it deems necessary. Such commissions or committees shall serve in an advisory capacity in the development of tribal education policies, and in other matters affecting education; and shall be established to meet the statutory or other requirements for the ABoE.
13. All government to government consultation regarding education shall include the ABoE.
14. The ABoE shall hire an Executive Director for the Acoma Department of Education.

- E. Governing Bodies of Other Educational Institutions and/or Programs within Acoma Pueblo
 - 1. Other Governing Bodies of educational institutions and/or educational programs operating within the Pueblo of Acoma such as the Haak'u Community Academy School Board, Acoma Scholarship Committee, the Acoma Johnson O'Malley Board, and other committees or Boards that may become necessary as a result of new schools and programs shall meet all applicable statutory, and regulatory requirements, including, but not limited to those established by the ABoE.
 - 2. Establishment and creation of governing bodies: The ABoE shall establish a governing body of any other educational institution by charter or other action. The powers and duties, terms of office, appointment/removal procedures, administrative organization and structure/operation shall also be contained in those charters and actions of the ABoE.

Chapter 6. ACOMA DEPARTMENT OF EDUCATION EXECUTIVE DIRECTOR

21-6-1 Executive Director Selection, Qualifications and Vacancies

- A. The ABoE shall hire an Executive Director for the Acoma Department of Education. The Executive Director shall be a full-time employee of the Acoma Pueblo and shall maintain an office at Acoma. The Executive Director has the power and duty to exercise all powers, duties, and responsibilities of the Acoma Department of Education as set forth in this Act or other Acoma Pueblo policy.
- B. Qualifications and Salary of Executive Director. The ABoE shall establish the qualifications for and the salary of the Executive Director of the ADoE.
- C. The ABoE shall develop a position description for the position of Executive Director of the Acoma Department of Education. This position description will be forwarded to the Director of the Acoma Human Resources Department for classification and compliance with the Acoma Human Resources Manual. Upon approval from the Acoma Human Resources Director, the position will be advertised and a selection will be made by the ABoE following the process set forth in the Acoma Personnel Policies and Procedures Manual, as amended.

- D. The ABoE shall follow the Acoma Personnel Policies and Procedures Manual, as amended, to provide supervision and oversight of the Executive Director's position. This shall include performance evaluations, required training, discipline, and removal.
- E. During periods in which the Executive Director's position is vacant, the ABoE President or the President's designee shall serve in a salaried capacity as the Acting Executive Director of the ADoE, and during such periods, shall be an employee of ADoE.

21-6-2

Executive Director Authority and Responsibility: Subject to the authority of the ABoE, the Executive Director of the ADoE shall:

- A. Administer and enforce this Act: The Executive Director shall be the principal administrator and enforcer of this Act. In doing so, the Executive Director shall:
 - 1. Exercise oversight over the administration and operation of the ADoE's functions, and over the compliance by local schools and other educational institutions with this Act;
 - 2. Maintain current knowledge of the law and procedures in administration and enforcement of tribal education laws and policies, and serve as the principal technical and professional advisor to the ABoE on all matters relating to the Act and education within Acoma Pueblo;
 - 3. Provide leadership in and otherwise promote the improvement of education within Acoma Pueblo, including through constant contact with educators, personal appearances at public gatherings, research, planning, and evaluation of education services; and
 - 4. Seek and coordinate tribal and non-tribal resources to implement this Act and to improve generally the condition, needs, and progress of education within Acoma Pueblo;
 - 5. Employ qualified staff of ADoE. Subject to the approval of the ABoE, the Executive Director shall work with the Acoma Department of Human Resources to employ qualified professional, clerical, and other employees, as may be necessary for the administration of this Act. Subject to approval of the ABoE, the Executive Director shall plan and direct the duties and responsibilities of the Department staff and shall ensure that the staff carries out their duties and responsibilities. The Executive Director shall ensure that the

Department staff is qualified and receives appropriate professional development and training.

6. Maintain office for filing and records. The Executive Director shall have and maintain an office at Acoma, provided by Acoma Pueblo, in which he/she shall: secure all papers, reports, public documents, and other data transmitted to him/her and hold the same subject to inspection by the ABoE; and keep and manage all records of all matters pertaining to the ADoE;
7. Establish a uniform data gathering, compiling, and reporting system. Establish a uniform system for the gathering, compiling, and reporting of educational data from local schools and other educational institutions, Acoma Pueblo, and other tribal, state and federal governments. The Department shall use the data to evaluate and ensure compliance with this Act, and to improve generally the condition, needs, and progress of education on and off Acoma Pueblo. The system for gathering the data shall include but not be limited to:
 - a. Receiving and examining written educational data; policies and procedures regarding school governance; and educational policies and programs provided by local schools and other educational institutions. The ADoE working with the various committees shall specify a format for the reporting of written educational data by local schools and other educational institutions;
8. The Executive Director shall, at least twice a year, call and conduct meetings with professional stakeholders from the Acoma community, the Grants Cibola County School District, the State of New Mexico, the Bureau of Indian Education (BIE), and National Education organizations and other professionals. The Executive Director shall endeavor, through discussion and explanation, to establish and maintain, standards, programs, and policies developed under this Act and regulations to implement the Act to maintain a constant state of improvement for the education of Acoma community members, including proposing amendments to the Act to the Tribal Council.
9. The Executive Director shall have the authority to execute all contracts related to the Education Department including

teachers, school administration, support staff and outside contractors up to the amount of \$100,000 annually. Any contract \$5000 or more must be approved by the ABoE.

- B. Conduct on-site assessment visits of local schools and other educational institutions. On-site assessment visits of local schools and other educational institutions shall be conducted by an evaluation team;
- C. Develop tribal curriculum: Develop tribal curriculum in the areas specified in and in accordance with this Act;
- D. Develop tribal education standards: Develop tribal education standards in accordance with this Act;
- E. Recommend a tribal orthography: Recommend to the ABoE a tribal orthography to be used in Acoma language instruction and curriculum development;
- F. Evaluate and make recommendations for compliance by local schools within Acoma Pueblo with tribal curriculum and education standards: On behalf of Acoma Pueblo, and jointly with the state, enforce compliance by local schools with tribal curriculum and tribal education standards. Compliance shall be evaluated as part of the data gathering provisions of this Act;
- G. Evaluate and make recommendations for compliance by other educational institutions such as Grants Cibola County School District schools with tribal curriculum and education standards: Evaluate and make recommendations for compliance by other educational institutions with tribal curriculum and tribal education standards. Compliance shall be evaluated as part of the data gathering provisions of this Act;
- H. Develop and enforce tribal educational policies and programs and evaluate compliance by schools within Acoma Pueblo and other educational institutions with tribal educational programs: Develop tribal educational policies and programs in the areas specified in and in accordance with this Act, and enforce compliance by schools within Acoma Pueblo and other educational institutions with the tribal educational policies and programs. Compliance shall be evaluated as part of the data gathering provisions of this Act;
- I. Review budget estimates of, and appropriations for, schools within Acoma Pueblo and other educational institutions: These review activities support the goals and objectives of the Team Indian

Policies and Procedures (TIPP) and the Indian Parent Advisory Committee (IPAC). Participate in public hearings and other budget and finance processes of local schools and other educational institutions, and review budget and financial information provided by local schools and other educational institutions. Such participation and review shall include, but not be limited to, determining the links between budgets and financial plans and meeting and promoting the intents, purposes, and policies of this Act.

Chapter 7. SCHOOL BOARDS

- 21-7-1 Appointment and Removal Authority: The ABoE shall reserve the right to appoint and remove school board members for all tribal schools within Acoma Pueblo. School boards are subject to this Act and other tribal policy as specified in this Act and as otherwise permitted by federal law and tribal law.
- 21-7-2 School boards to cooperate with the ADoE: School boards shall ensure that their schools and staff cooperate with the ADoE in implementing this Act and in addressing other education problems and issues that arise within Acoma Pueblo. Such cooperation shall include, but not be limited to: annually providing written educational data to the ADoE following the format specified by the Department; ensuring that their educators participate effectively in the execution of this Act; and ensuring that their administrators participate effectively in the on-site assessment evaluation teams provided for by this Act.
- 21-7-3 School boards to provide policies and procedures to ADoE and align them with this Act: School boards shall provide a complete and current copy of all existing written policies and procedures regarding school governance to the ADoE. School boards shall annually provide copies of any and all amended or new policies to the Department. Existing policies and procedures which are inconsistent with this Act are subject to revision with technical assistance from the ADoE. Amended or new policies shall be aligned with relevant provisions of this Act before their adoption by the school boards.
- 21-7-4 School boards to include ADoE in their established processes for reviewing curriculum, education standards, and educational policies and programs: Because such inclusion may be necessary to the development by the ADoE, education standards, and educational policies and programs under this Act, school boards shall include the ADoE in their established processes used for reviewing applicable curriculum, education standards, and educational policies and programs.

21-7-5 Incorporation of Tribal Curriculum: School boards to ensure that schools within Acoma Pueblo include tribal curriculum in their curriculum and standards. School boards shall ensure that local schools provide instruction that is in substantial compliance with the tribal curriculum provided for and developed under this Act.

21-7-6 Meeting Tribal Education Standards: School boards to ensure that schools within Acoma attain tribal education standards. School boards shall ensure that these schools attain or meet the tribal education standards provided for and developed under this Act.

21-7-7 Tribal Education Programs to be Provided: School boards to provide tribal educational programs. School boards shall ensure that local schools provide the tribal educational programs provided for and developed under this Act.

Chapter 8. CURRICULUM AND EDUCATION STANDARDS

21-8-1 Procedures for Developing Tribal Curriculum: Under the supervision of the ABoE, the ADoE Executive Director shall have oversight of the ADoE in developing tribal curriculum. The ADoE shall:

- A. Review the curriculum of Acoma tribal schools and other educational institutions within Acoma. Review the applicable current curriculum of local schools and other educational institutions. Such review may be conducted independently by the Department, or the Department may participate in the established processes used by local schools and other educational institutions for reviewing their curriculum;
- B. Coordinate and consult with school boards and governing bodies. Coordinate and consult with school boards and the governing bodies of other educational institutions;
- C. Consult with educators, community members, parents, and students. Consult with and obtain the comments of educators, parents, community members, other stakeholders and students;
- D. Keep curricula on file in the Department. Maintain a file in the Department of copies of all current curricula, and proposed changes to curricula for public inspection consistent with tribal law;

Chapter 9. EDUCATIONAL POLICIES AND PROGRAMS

21-9-1 Alcohol, Nicotine or Tobacco, and Drug Abuse Education

- A. Acoma Tribal laws prohibiting drugs, controlled substances, and public consumption of alcohol: To the extent permitted by federal law, Schools within Acoma are subject to tribal laws prohibiting drugs, controlled substances, and the public consumption of alcoholic beverages on Acoma Pueblo.

- B. Duty to Educate: ADoE and all Acoma tribal schools [are] to educate staff and faculty, employees, volunteers and students about alcohol, nicotine, tobacco, and drug abuse. All schools' staff and faculty, other employees, volunteers, and students shall receive education and training about the need to maintain good health and prevent alcohol, nicotine, tobacco, and drug abuse. Such education shall include, but not be limited to: information about health curricula and educational policies and programs provided for and developed under this Act; and information about the policies of this Act as they relate to the health and survival of Acoma Pueblo.

- C. Procedures for developing policies and programs: In developing tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs. The ADoE shall:
 - 1. Review the current policies and programs of Acoma schools and tribal programs. Such review may be conducted independently by the ADoE, or the ADoE may participate in the established processes of schools and other tribal programs for reviewing their policies and programs, and data:
 - 2. Review local and national policies, studies, and reports. Review the latest local and national policies, studies, and reports on alcohol, nicotine or tobacco, and drug abuse, particularly alcohol, nicotine or tobacco, and drug abuse by youth and Indian youth;
 - 3. Consult with educators, community members, parents, and students. Consult with and obtain the comments of educators, community members, parents, other stakeholders, and students;
 - 4. Coordinate with school boards and governing bodies. Coordinate and consult with school boards and the governing bodies of other educational institutions;
 - 5. Draft tribal policies and programs. Draft tribal alcohol, nicotine or tobacco, and drug abuse education policies and

programs consistent with the policies and programs of Acoma schools, federal law, and Acoma law: provided that to the extent alcohol, nicotine or tobacco, and drug abuse education policies and programs conflict with the policies and programs of Acoma schools or with federal law, Acoma policies and programs shall govern;

6. Circulate draft policies and programs, and data for review and comment. Circulate the draft alcohol, nicotine or tobacco, and drug abuse education policies and programs, for review and comment and for a specified period of time, among school boards, the governing bodies of other educational institutions, selected educators, parents, members of the community, and other such persons as deemed necessary;
 7. Review comments on draft tribal policies and programs, and data. Review the comments and suggestions of those to whom the drafts have been circulated, and after evaluating the comments or suggestions, make such revisions to the policies and programs as deemed necessary; and
 8. Submit draft policies and programs to Tribal Council. Submit the draft policies and programs to the ABoE in the form of proposed policies and programs for review and recommendation for adoption or amendment by Tribal Council.
- D. ABoE to establish alcohol, nicotine or tobacco, and drug abuse education policies and programs: The ABoE shall establish alcohol, nicotine or tobacco, and other drug abuse education policies and programs which shall apply to local schools under the jurisdiction of Acoma independently or jointly with appropriate state and federal departments or agencies.
- E. Acoma schools to comply with alcohol, nicotine or tobacco, and drug abuse education policies and programs: Acoma schools shall provide alcohol, nicotine or tobacco, and drug abuse education policies and programs in compliance with alcohol, nicotine or tobacco, and drug abuse education policies and programs adopted by the Tribal Council.
- F. Acoma schools to report compliance with alcohol, nicotine or tobacco, and other drug abuse education policies and programs: Acoma schools shall annually report compliance with alcohol,

nicotine or tobacco, and drug abuse education policies and programs, and data, to the ADoE.

- G. ADoE to evaluate and report compliance by Acoma schools with alcohol, nicotine or tobacco, and drug abuse education policies and programs: The ADoE shall regularly evaluate compliance by Acoma schools and other educational institutions with Acoma alcohol, nicotine or tobacco, and drug abuse education policies and programs. The ADoE shall annually report its findings and recommendations on compliance with Acoma alcohol, nicotine or tobacco, and drug abuse education policies and programs, and data, to the Tribal Council.
- H. Tribal [Children's] Court to be used in implementing this section: In implementing this section on alcohol, nicotine or tobacco, and drug abuse education, the ADoE shall report violations of Acoma alcohol, nicotine or tobacco, and drug abuse policies and programs to the Acoma [Children's] Court where the Executive Director deems it to be in the best interest of a student.

Chapter 10. TRUANCY/ ATTENDANCE

- 21-10-1 The ADoE shall maintain compliance with Title 6 of the Pueblo of Acoma Laws (2003) as amended, regarding Compulsory School Attendance.

Chapter 11. PARENTAL AND COMMUNITY INVOLVEMENT

- 21-11-1 ADoE to include parents and community members in implementation and refinement of this Act: The ADoE shall include parents and community members in implementing and proposing amendments to this Act. Such inclusion and involvement shall include, but not be limited to: the development of curriculum, education standards, and educational policies and programs; and the preparation of the annual state of the Pueblo Education Report. Such inclusion and involvement shall be accomplished through the annual meeting and by acquiring a place on the agenda at Acoma community meeting periodically as provided by this Act, and through other appropriate means. The ADoE shall also strive to include and involve parents and community members in addressing specific education issues and in improving education within Acoma Pueblo.
- 21-11-2 ADoE to provide annual in-service training for parents and community members: The ADoE shall provide annually for parents and community members in-service training in the priority education areas and issues of the Acoma Pueblo, and in asserting and advocating for the education of their children.

21-11-3 Parental and Community Involvement: Schools boards of schools within Acoma, and the governing bodies of other educational institutions that provide education services to children are to involve parents, children and community members in ways that include the following:

- A. Formal processes for committees that oversee Title-VI Indian Education 20 U.S.C. [§] 7401 and Title-VII Impact Aid 20 U.S.C. [§] 7701 regarding curriculum, education standards, and policies regarding school governance, programs, and extra-curricular activities: These committees shall include in their processes members of the Team Indian Policies and Procedures (TIPP) for Impact Aid and the Indian Parent Advisory Committee (IPAC) for implementing the Indian Education requirements, including, but not limited to planning, developing, and evaluating curriculum, education standards, policies regarding school governance, educational policies and programs, and extracurricular activities; availability and accessibility to programs, events, and activities that enhance academic achievement and social development for students;
- B. Distribution of proposed curriculum and policies regarding school governance and curriculum and policy changes: Grants Cibola County Schools, Santa Fe Indian School, and other public, BIE operated, and tribally operated schools that educate a large percentage of Acoma students will distribute draft copies of proposed curriculum, policies regarding school governance, and changes in curriculum and policies to parents and community members for review and input before the curriculum, policies, or changes are adopted or effective;
- C. Develop materials regarding curriculum, policies, and activities: Educational institutions shall develop written materials designed to familiarize parents with the 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
- D. Procedures for parent-school communication. In cooperation with the ADoE: Educational institutions shall review their procedures for communication between the parents and the schools, and shall review the effectiveness of those procedures. With the ADoE and parents, they shall strive to develop ways to improve such procedures.

21-11-4 Annual Reporting on Parental and Community Involvement: Acoma schools and other educational institutions shall annually report to the

ADoE their compliance with and progress under this Act regarding parental and community involvement.

21-11-5 ADoE to evaluate compliance by local schools and other educational institutions with provisions for parental and community involvement: The ADoE shall regularly evaluate the compliance by and progress of local schools and other educational institutions with the provisions of this Code regarding parental and community involvement.

21-11-6 Relationship of parental and community involvement to parenting and family life curriculum: The provisions of this Act regarding parental and community involvement apply to all parents and community members, including those students who are parents. The need for parental and community involvement in local schools and other educational institutions shall be included in the curriculum containing instruction on parenting and family life.

Chapter 12. EDUCATORS

21-12-1 Qualifications: To the extent required by federal, state, or tribal law, all educators shall maintain state of New Mexico certification in their work area as required. In addition, 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 Acoma Pueblo as set forth in this Act.

21-12-2 Acoma Language and Cultural Certification: The ADoE shall develop certification standards for Acoma Pueblo Language and Culture Teacher Certification. This Certification will be required for teachers to teach the Acoma (Keres) language in all schools within Acoma Pueblo. This certification will require professional development and periodic recertification aligned with other teacher requirements in this Act to ensure that teachers and teacher assistants are skilled and knowledgeable in the content of Acoma language and culture.

21-12-3 Training: The ADoE shall regularly identify recertification areas appropriate for educators. In such identification, the ADoE shall consult and coordinate with school boards, the governing bodies of other educational institutions, and colleges. The ADoE and colleges shall develop and provide accredited courses in those areas. Such courses shall be provided at the colleges, or at Acoma schools, and other educational institutions as pre-service or in-service training. The ADoE shall work with the state of New Mexico to gain state recognition of accredited tribal courses for educational recertification as qualifying to satisfy state of New Mexico recertification requirements for educators as necessary.

- 21-12-4 Competency Guidelines and Evaluations: Acoma schools shall evaluate educators at least annually. Educator evaluations shall be done according to the policies and procedures of Acoma schools; provided, that:
- A. Evaluations to be made in writing. Evaluations shall be made in writing after reasonable observation of each educator's performance and review of the results of that performance; and
 - B. Evaluation summaries and processes to be provided to ADoE. Copies of written evaluation summaries, the evaluation processes, and any changes in the evaluation process shall be provided annually to the ADoE; and
 - C. Teacher evaluations. Evaluations of teachers 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, and work ethic such as teacher, staff, and administrator attendance.
 - D. Non-teacher evaluations. Non-teacher evaluations shall be based upon their specific job descriptions and shall include but not be limited to: assessment of adherence to the goals of tribal educational policies and programs and the intents, purposes, and policies of this Act; and student progress and performance.
- 21-12-5 Certification: Acoma Pueblo shall recognize successful completion of accredited tribal courses as qualifying to meet tribal recertification requirements for educators.
- 21-12-6 Hiring and Retention: In addition to satisfying the requirements of the state of New Mexico for hiring and retention, educators must satisfy tribal recertification requirements as provided by this Act.
- 21-12-7 ADoE to apply Indian preference: In implementing this Act, the ADoE shall apply Indian preference in the hiring, training, retention, and promotion of all staff, personnel, consultants, and contractors.
- Chapter 13. CHARTERED EDUCATIONAL PROGRAMS AND CHARTERED SCHOOLS
- 21-13-1 Process: ABoE will use the state of New Mexico or national process to charter educational programs and schools. The application for these charters must contain a Resolution of the Acoma Tribal Council and a

letter documenting an action by the ABoE supporting the application for a charter school or other education institution.

21-13-2 Chartered educational programs and schools subject to this Act: Consistent with and to the extent permitted by tribal, state, and federal law, chartered educational programs and schools shall operate according to the Acoma Tribal Council resolution approving their charter, including but not limited to: their charters of incorporation; their articles of incorporation; and their bylaws, including all amendments and updates thereto. In addition, chartered educational programs and chartered schools are subject to applicable provisions of this Act.

21-13-3 Act does not affect other obligations of chartered education programs and schools: Except as otherwise provided in this Act, nothing in this Act shall affect the incorporation of chartered educational programs and schools under New Mexico law or the obligations of chartered educational programs and chartered schools under state or federal law.

Chapter 14. MISCELLANEOUS

21-14-1 Construction of Tense Used: In construing the provisions of this Acoma Education Act, the present tense includes the past and future tenses, and the future tense includes the present.

21-14-2 Masculine Gender Inclusive: In construing the provisions of this Acoma Education Code, the masculine gender includes the feminine and the neuter genders.

21-14-3 Reference to [Act] Includes Amendments: When reference is made to any portion of this Acoma Education [Act], the reference shall apply to all amendments and additions made hereafter.

21-14-4 Severability: If any part of this Acoma Education [Act] invalidated by a court of competent jurisdiction or Acoma Tribal Council, all valid parts that are severable from the invalid part remain in effect. If a part of this [Act] is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

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