

CONSTITUTION AND BY-LAWS  
FOR THE  
JOHNSON O'MALLEY INDIAN EDUCATION COMMITTEE  
OF THE  
MUSKOGEE PUBLIC SCHOOL DISTRICT I-20

ARTICLE I: TITLE

The name of this organization shall be the Johnson O'Malley Indian Education Committee of the Muskogee Public Schools, District I-20.

ARTICLE II: PURPOSE

- SECTION I: To promote and encourage pride in Indian culture and heritage.
- SECTION II: To promote and encourage participation by Indian parents and children in all areas of education provided by Muskogee Public Schools.
- SECTION III: To promote and encourage excellence in education..
- SECTION IV: To evaluate and advance the opportunity of higher education for Indian children.
- SECTION V: To promote and encourage the best interests of Indian children in the Muskogee community and of the Muskogee Public Schools.

ARTICLE III: ELIGIBILITY FOR MEMBERSHIP

- SECTION I: All parents, guardians, or persons acting *in loco parentis* of Indian children enrolled in Muskogee School District I-20. Johnson O'Malley Indian Education Committee (IEC) members must live in the Muskogee School District I-20, or have children attending Muskogee schools.

ARTICLE IV: ELECTIONS

- SECTION I: Johnson O'Malley Indian Education Committee elections shall be held at an open hearing meeting in the month of September.

- SECTION II: Each qualified parent shall have one vote for each vacancy to select members of the Johnson O'Malley Indian Education Committee. If student is not listed on roster the night of the elections, parent will not be eligible to vote.
- SECTION III: Voting shall take place following nominations from the floor. Nominees must be present.
- SECTION IV: Qualified voters are persons eligible to serve on the Johnson O'Malley Indian Education Committee.
- SECTION V: Only qualified voters may make nominations.
- SECTION VI: Proxy voting will not be permitted.

#### ARTICLE V: MEMBERSHIP

- SECTION I: The size of the Johnson O'Malley Indian Education Committee shall be five (5) with two (2) voting alternates, total of seven (7).
- SECTION II: Among the qualities desirable in the members of the Johnson O'Malley Indian Education Committee are:
1. Willingness to participate actively.
  2. Experience with the schools receiving federal monies and/or willingness to learn procedures and policies of the Muskogee school system.
  3. Involvement in community affairs.
  4. Representing the interests of all Indian children and the Indian community.
- SECTION III: All members of the Johnson O'Malley Indian Education Committee shall serve for a two (2) year term.
1. Three (3) members shall be elected in even year.  
Four (4) members shall be elected in odd year.
- SECTION IV: Membership in the Johnson O'Malley Indian Education Committee cannot be transferred. A member may resign by giving a written resignation to the IEC Chairperson and/or Indian Education Coordinator.

SECTION V: A member shall be automatically removed from membership in the Johnson O'Malley Indian Education Committee for any of the following reasons.

1. The member does not attend any regular or special called meetings of the Johnson O'Malley Indian Education Committee for two (2) meetings without just cause. Just cause as agreed upon by the Indian Education Committee.
2. Member must contact Chairperson, or IEC Secretary, in the event of absences to determine just cause.
3. If child or children are no longer enrolled in Muskogee School District.
4. The member actively operates independently of other committee members without authorization of the voting body.
5. The member does not acknowledge and adhere to the by-laws of the Johnson O'Malley Indian Education Committee.
6. The member may be removed for misconduct or criminal activity, for actions or behavior that brings discredit to the Muskogee IEC/JOM Program. Defamation of character, or bullying staff, or other committee members on social median.

SECTION VI: By affirmative vote of two-thirds (2/3) of the Johnson O'Malley Indian Education Committee members present, a member may be removed from the committee membership, for any action not listed in Section V.

SECTION VII: By affirmative vote of two-thirds (2/3) of all members of the Johnson O'Malley Indian Education Committee members present, a vacancy may be filled. The new member will serve only for the term of the vacated membership. The nominee must be present to except the position.

ARTICLE VI: JOHNSON O'MALLEY INDIAN EDUCATION  
COMMITTEE

- SECTION I:           There shall be a Johnson O'Malley Indian Education Committee consisting of the Chairperson, Vice-Chairperson, Secretary, and two (2) members with two (2) voting alternates of which one member shall be appointed by chairperson Sergeant at Arms.
- SECTION II:           Johnson O'Malley Indian Education Committee shall elect officers immediately following general election for membership. All vacancies shall be filled at that time by newly elected committee.
- SECTION III:           Duties and responsibilities of the Johnson O'Malley Indian Education Committee shall be all responsibilities and duties that are in accordance with federal regulations as stated in Title 25, CFR, Part 273, and must be in compliance with Muskogee District 1-20 school board policy, and Oklahoma school law. Attendance is mandatory at special called meetings.
- SECTION IV:           A Member-at-Large shall be appointed by the Johnson O'Malley Indian Education Committee to attend Muskogee District 1-20 School Board meetings as needed.
- SECTION V:           No Johnson O'Malley Indian Education Committee shall be required to give money or property to committee and/or Indian Education Program.

ARTICLE VII: OFFICERS AND DUTIES

- SECTION I:           The elected officers of the Johnson O'Malley Indian Education Committee shall include.
- Chairperson** — The Chairperson shall preside at all general and special meetings of the Johnson O'Malley Indian Education Committee and shall perform such other duties as ordinarily pertain to such an office. The Chairperson shall be an ex officio member of all standing committees. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson.

SECTION II: **Vice-Chairperson** — The Vice-Chairperson shall assist the Chairperson, when called upon, and in the absence of the Chairperson they shall preside. When presiding they shall have all the rights, privileges, duties, and responsibilities of the Chairperson. In the event of vacancy, the Johnson O'Malley Indian Education Committee shall appoint a Vice-Chairperson for the unexpired term.

SECTION III: **Secretary** — The Secretary shall take the minutes of all meetings of the Johnson O'Malley Indian Education Committee, and shall provide the Indian Education Program Office with a copy of the minutes within five (5) days of the meeting. The Secretary shall transact any correspondence (pertaining to Johnson O'Malley Indian Education Committee.) Unless an alternate method for these duties is approved by the committee.

In the event of absence, the Vice-Chairperson of Chairperson may perform the duties of Secretary. In the event of vacancy of the Secretary, the Johnson O'Malley Indian Education Committee shall appoint a Secretary for the unexpired term.

SECTION IV: **Officers** — Officers shall be elected by a two-thirds (2/3) majority vote of the Johnson O'Malley Indian Education Committee members. The terms of office shall be four (4) members elected in an odd year. Three (3) members elected in an even year.

SECTION V: **Sargent at Arms** - Sargent at Arms shall preserve order and execute commands.

#### ARTICLE VIII: SUBCOMMITTEES

The Johnson O'Malley Indian Education Committee shall create such subcommittees as many may be required to promote its objectives. Subcommittees can be created at any called Johnson O'Malley Indian Education Committee meeting.

SECTION I: Sub committees may be named by the Chairperson and approved by a majority vote of the committee members present.

SECTION II: Members may decline serving on a subcommittee.

#### ARTICLE IX: MEETINGS

SECTION I: A general, Open Meeting shall be held at least four (4) times per year, or called as needed.

SECTION II: Johnson O'Malley Indian Education Committee meetings shall be held when called by the IEC Chairperson and Coordinator of Indian Education.

SECTION III: Special called meetings may be called by the Chairperson and Coordinator of Indian Education, using the call to meeting procedures of the following:

- A. Written notice to all Johnson O'Malley Indian Education Committee members, or
- B. Documented telephone calls to all Johnson O'Malley Indian Education Committee members, or
- C. Approval of a special called meeting by the Johnson O'Malley Indian Education Committee at an official regular meeting. Members absent at regular meetings must be notified the next working day of the date and time of the special called meeting.
- D. Special called meetings shall be published in the school media.
- E. Regular monthly meetings shall be published in the school media.

SECTION IV: A quorum for general or special called meetings shall consist of two-thirds (2/3) of the Johnson O'Malley Indian Education Committee.

SECTION V: The order of business for all Johnson O'Malley Indian Education Committee meetings shall be by Parliamentary Procedures. The following order of business is established for Johnson O'Malley Indian Education Committee meetings.

- A. Call to order by Chairperson.
- B. Invocation.
- C. Ascertainment of a quorum by circulating an attendance sheet.
- D. Minutes approved.
- E. Old Business.
- F. New Business.

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- G. Two-minute limit per parent and/or student comments.
- H. Announcements.
- I. Adjournment.

SECTION VI: In the event the committee becomes unable to have a regular quorum to conduct business, the Local Education Agency (L.E.A.) shall administratively conduct business until an active committee can be elected.

SECTION VII: All Johnson O'Malley Indian Education Committee meetings must comply with the Oklahoma Open Meeting Act, (Revised).

#### ARTICLE X: VOTING

SECTION I: Each Johnson O'Malley Indian Education Committee member has one (1) vote on any issue brought before said committee.

SECTION II: In compliance of the open meeting law, a roll call vote shall be taken.

SECTION III: No proxy votes shall be permitted.

SECTION IV: Johnson O'Malley Indian Education Committee members may abstain voting on any issues.

#### ARTICLE XI: AMENDING THE BY-LAWS

SECTION I: The By-Laws shall be reviewed annually by the Johnson O'Malley Indian Education and Johnson O'Malley Indian Education Committee.

SECTION II: This review shall take place at the first monthly meeting after the Johnson O'Malley Indian Education Committee elections.

SECTION III: A vote of two-thirds (2/3) of the committee members shall be required to support an amendment of the existing Constitution and By-Laws.

SECTION IV: All amendments must confirm with requirements of the Rules and Regulations of the Education Contracts, Johnson O'Malley Regulations, CFR, Part 273, and must be in compliance with Muskogee District 1-20 school board policy, and Oklahoma school law.

SECTION V: By-Laws will take effect immediately following approval of Johnson O'Malley Indian Education Committee.

#### ARTICLE XII: POLICIES

SECTION I: It shall be the policy of the Johnson O'Malley Indian Education Committee to give written approval to only those documents presented as completed and whole, and attached together as such.

SECTION II: In the process of keeping all education committee members equally informed on all issues and concerns, requests for information from Johnson O'Malley Indian Education Committee members are to be directed to the program office of Indian Education in order that all members have the same information. The dissemination of written information is to be from the program office. Any violation of said policy shall be grounds for immediate termination of membership.

SECTION III: New policies submitted to Johnson O'Malley Indian Education Committee for approval must follow same procedures outlined for amending Constitution and By-laws. See Article XI.

SECTION IV: It shall be the policy of Johnson O'Malley Indian Education Committee to adhere to these by-laws. Any conflict of interpretation of these by-laws shall be settled by two-thirds (2/3) vote of the Johnson O'Malley Indian Education Committee in an official session.

#### ARTICLE XIII: GRIEVANCE PROCEDURES

Grievance procedures for complaints from Indian students, parents, community members and tribal representatives relating to program(s) sub-contracted under Johnson-O'Malley in the Muscogee (Creek) Nation shall be as follows:

1. The complainant shall submit his/her grievance in writing to the local Indian Education Committee (committee is defined in application) for investigative review for action.
  - a. Upon receipt of a written complaint, the Indian Education Committee shall, within ten (10) working days, make an investigation, document and submit its findings to the complainant. If the complaint cannot be resolved within the specified time, then the Indian Education Committee may request additional time from the complainant.
  - b. If the complaint cannot be resolved by the Indian Education Committee to the satisfaction of the complainant, the committee shall forward the



complaint with all investigative documents, findings and/or recommendations to the school's federal programs director or program coordinator.

2. The federal programs director or program manager shall proceed as follows:
  - a. Schedule a meeting with the local Indian Education Committee chairman and a school official (school official is optional for a community based program) to be held with ten (10) working days after a complaint has been received.
    - i. A grievance committee consisting of a Muscogee (Creek) Nation Johnson-O'Malley staff member, parent committee member, and a school administrator will review the complaint, investigative document(s), findings and/or recommendations.
    - ii. Every effort will be made by this committee to resolve the complaint.
  - b. Within ten (10) working days of this meeting, the grievance committee will provide the complainant with a written notice of the committee's decision.
  - c. If the complainant is not satisfied, the grievance committee will forward the complaint to the manager of the Muscogee (Creek) Nation Johnson-O'Malley program for review and action.
3. The findings of the Muscogee (Creek) Nation Johnson-O'Malley manager shall be final.
4. Grievance procedures on complaints from the local Indian Education Committee relating to the Muscogee (Creek) Nation Johnson-O'Malley program shall be as follows:
  - a. The chairman of the Indian Education Committee shall submit the complaint, in writing, to the Muscogee (Creek) Nation Johnson-O'Malley Program Manager for investigation, review and action. In the event the complaint concerns a direct action of the Manager, the complaint shall be submitted to the Muscogee (Creek) Nation Secretary of Education, Employment and Training.
  - b. Either the Program Manager or the Secretary of Education, Employment and Training shall, within thirty (30) days from the receipt of the complaint, report the findings to the complainant.
  - c. The findings of the Muscogee (Creek) Nation Johnson-O'Malley Program Manager shall be final.
5. Grievances against the Johnson-O'Malley Program Manager shall be as follows:

- a. The complainant shall submit the complaint in writing to the Muscogee (Creek) Nation Secretary of Education, Employment and Training for investigation, review and action.
  - b. The Muscogee (Creek) Nation Secretary of Education, Employment and Training shall, within thirty (30) working days from the date of the receipt of the complaint, report the findings to the complainant.
  - c. The findings of the Muscogee (Creek) Nation Secretary of Education, Employment and Training shall be final.
6. Grievances against the Indian Education Committee shall be as follows:
- a. The complainant shall submit the complaint in writing to the Muscogee (Creek) Nation Johnson-O'Malley manager for investigation, review and action.
  - b. The Muscogee (Creek) Nation Secretary of Education, Employment and Training shall, within thirty (30) working days from the date of the receipt of the complaint, report the findings to the complainant.
  - c. If the situation appears as if it could impair the school's ability to meet the requirements of the program, Muscogee (Creek) Nation JOM Office reserves the right to intervene. If intervention and efforts made by the tribe do not lead to a resolution, the Muscogee (Creek) Nation JOM manager reserves the right to disband the current parent committee upon approval from the Secretary of Education, Employment and Training. A new parent committee will be formed to replace removed members at a Special Election meeting. The Muscogee (Creek) Nation JOM manager will approve all documentation from the school program pertaining to compliance until a new parent committee is put in place.
  - d. The findings of Muscogee (Creek) Nation Secretary of Education, Employment and Training shall be final.

The date of this vote of change in the Constitution & By-Laws was 10/15/2018.

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JOHNSON O'MALLEY CHAIRPERSON

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INDIAN EDUCATION COORDINATOR