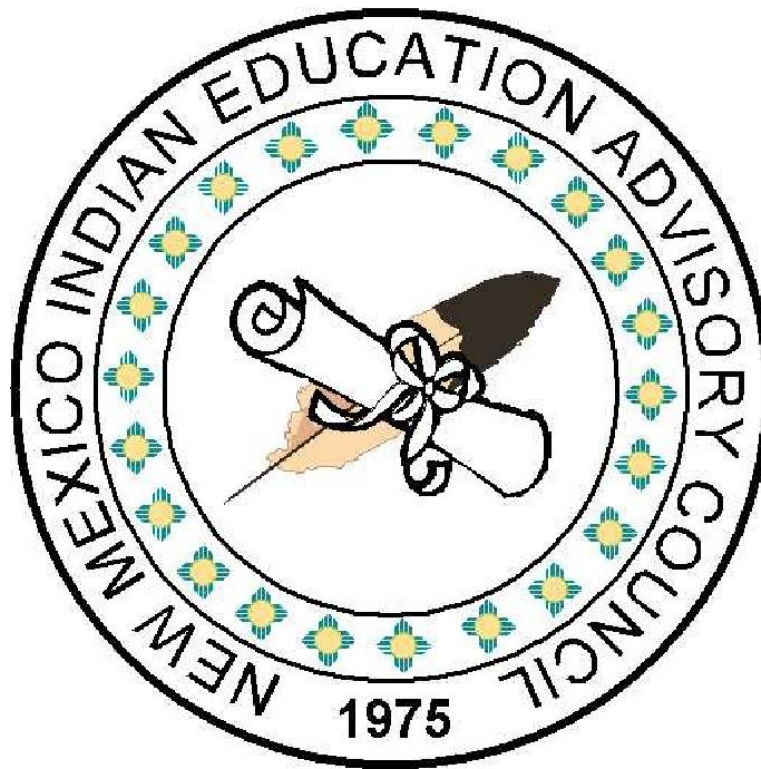


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INDIAN EDUCATION ADVISORY COUNCIL
BYLAWS

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ARTICLE 1: DEFINITIONS

As used in the Indian Education Act 22-23A-3 NMSA 1978¹, and in these bylaws²:

1. Appointed member means a member appointed by the Secretary of Education and currently in their four-year term.
2. Assistant Secretary means the Assistant Secretary for Indian Education
3. Commission means the Public Education Commission
4. Designee means the New Mexico Public Education employee designated to represent the Assistant Secretary of Indian Education
5. Division means the Indian Education Division in the New Mexico Public Education Department
6. Government-To-Government means the relationship between a New Mexico Tribe and a state government
7. Indigenous means Native or Tribal groups of the Americas that maintain a cultural identity separate from the surrounding dominant cultures
8. Tribal means pertaining to urban Indians who are residents of New Mexico or to an Indian nation, Tribe or Pueblo located within New Mexico
9. New Mexico Tribe means an Indian nation, Tribe or Pueblo located within New Mexico
10. Urban Indian means a member of a federally recognized Tribe or an Alaskan Native who lives in an off-reservation urban area and is a New Mexico resident.
11. Calendar year means January 1 – December 31
12. Fiscal year means July 1 – June 30
13. Quorum means the number of appointed committee members divided into two groups, so one group has at least one more member than the other. The larger number is the number of members required for a quorum.
14. Semiannual means occurring twice a year; half-yearly.

ARTICLE 2: PURPOSE

In accordance with 22-23A-6 NMSA 1978, the Indian Education Advisory Council (IEAC) shall advise the Secretary of Education and Assistant Secretary of Indian Education or designee on implementation of the provisions of the Indian Education Act.

ARTICLE 3: MEMBERS

In accordance with 22-23A-6 NMSA 1978, the Council consists of sixteen members as follows:

1. Four (4) representatives from the Navajo Nation;
2. Two (2) representatives, one from the Mescalero Apache Tribe and one from the Jicarilla Apache Nation;
3. Four (4) representatives, two from the Southern Pueblos and two from the Northern Pueblos;
4. Three (3) urban Indians representing urban areas, including Albuquerque, Gallup and Farmington; and
5. Three (3) at-large representatives, one from the Federal Bureau of Indian affairs, one from a head start organization and one from the general public, at least one of whom shall be nonTribal, but all of whom shall have knowledge of and involvement in the education of Tribal students.

¹ Portions of 22-23A NMSA 1978 in these bylaws have been edited with capitalization of the following titles and words: advisory, assistant secretary, bureau, council, department, education, federal, northern, pueblos, secretary, southern, tribal, and tribe.

² While 22-23A NMSA 1978 requires a focus on various school-grade spans throughout the Indian Education Act, the Indian Education Advisory Council will focus on PreK through post-secondary education.

ARTICLE 4: APPOINTMENT TO THE INDIAN EDUCATION ADVISORY COUNCIL

In accordance with 22-23A-6 NMSA 1978, members shall be appointed by the Secretary of Education with input from New Mexico Tribes and organizations involved in the education of Tribal students.

ARTICLE 5: MEETINGS

In accordance with 22-23A-6.D NMSA 1978, on a semiannual basis, representatives from all New Mexico Tribes, members of the commission, the office of the governor, the Indian affairs department, the legislature, the secretary, the assistant secretary **and the Indian Education Advisory Council shall** meet [at the Government-to-Government meeting] to assist in evaluating, consolidating and coordinating all activities relating to the education of Tribal students.

In addition to the required semiannual Government-to-Government meetings, the Advisory Council will meet twice a year, therefore creating a schedule of four meetings during a fiscal year. The Advisory may choose to meet more than four times a fiscal year at the discretion of the Assistant Secretary of Indian Education or designee.

ARTICLE 6: QUORUM

In accordance with 22-23A-6 NMSA 1978, a majority of the members of the Indian Education Advisory Council constitutes a quorum.

When voting on an advisement, a decision that affects the Advisory Council or a change to the bylaws a majority or quorum of the Advisory in attendance (in person or by technology) will determine the outcome.

A quorum is the number of appointed committee members divided into two groups, so one group has at least one more member than the other. The larger number is the number of members required for a quorum. For example:

16 appointed members divided into 2 groups = 7 & 9. Quorum = 9.

Count the members *present* (in person or through technology) at a meeting to determine whether the required number of members is present for a quorum.

ARTICLE 7: DUTIES OF THE CHAIR

In accordance with 22-23A-6 NMSA 1978, the Advisory Council shall elect a chair from its membership.

The Indian Education Advisory Council chair's primary role is to oversee and guide the work of the Advisory Council as developed in a yearly scope of work that is approved by the Assistant Secretary of Indian Education or designee. The chair will only speak on behalf of the Council when a quorum of the Council has agreed to the information to be shared.

Core responsibilities include but are not limited to:

- Draft annual goals for review and approval by Assistant Secretary of Indian Education or designee.
- Develop meeting agendas in partnership with the Assistant Secretary of Indian Education or designee.
- Lead meetings.
- Assign tasks to committee members.
- Ensure committee work is pursued between meetings.
- Serve as liaison between the Advisory and the Indian Education Division.
- Make recommendations and advisements from the Indian Education Advisory Council to the Secretary of Education
- Communicate directly with the Assistant Secretary of Indian Education or designee regarding issues that impact the Indian Education Division
- Any other duty or responsibility that is directly related to the advisement of the Secretary of Education and the Assistant Secretary of Indian Education or designee based on the requirements of the IEA.

ARTICLE 8: COUNCIL TERMS OF SERVICE

In accordance with 22-23A-6 NMSA 1978, members shall serve for staggered terms so that the terms of the at-large members and of one-half of each of the Tribal representatives end on December 31, 2009 and the terms of the remaining members end on December 31, 2011. Thereafter, appointments shall be for terms of four years. The terms of existing members shall expire on the effective date of this 2007 act.

Council members and terms will be posted on the Indian Education Division's IEAC webpage.

ARTICLE 9: ADVISING THE SECRETARY OF EDUCATION OF EDUCATION

In accordance with 22-23A-6 NMSA 1978, the Indian Education Advisory Council (IEAC) shall advise the Secretary and Assistant Secretary on implementation of the *provisions* of the Indian Education Act:

The purpose of the Indian Education Act (22-23A-2) is to:

- A. ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools;
- B. ensure maintenance of Native languages;
- C. provide for the study, development and implementation of educational systems that positively affect the educational success of American Indian students;
- D. ensure that the department of education [public education department] partners with Tribes to increase Tribal involvement and control over schools and the education of students located in Tribal communities;
- E. encourage cooperation among the educational leadership of Arizona, Utah, New Mexico and the Navajo Nation to address the unique issues of educating students in Navajo communities that arise due to the location of the Navajo Nation in those states;

- F. provide the means for a formal government-to-government relationship between the state and New Mexico Tribes and the development of relationships with the education division of the bureau of Indian affairs and other entities that serve American Indian students;
- G. provide the means for a relationship between the state and urban American Indian community members to participate in initiatives and educational decisions related to American Indian students residing in urban areas;
- H. ensure that parents; Tribal departments of education; community-based organizations; the department of education [public education department]; universities; and Tribal, state and local policymakers work together to find ways to improve educational opportunities for American Indian students;
- I. ensure that Tribes are notified of all curricula development for their approval and support;
- J. encourage an agreement regarding the alignment of the bureau of Indian affairs and state assessment programs so that comparable information is provided to parents and Tribes; and
- K. encourage and foster parental involvement in the education of Indian students.

ARTICLE 10: CONSULTATION REQUIRED FROM ASSISTANT SECRETARY OF INDIAN EDUCATION

In accordance with 22-23A-5.E. NMSA 1978, the rules of the Public Education Department, *and after consulting with the Indian Education Advisory Council* and determining the resources available within the department, the Assistant Secretary shall:

- (1) provide assistance, including advice on allocation of resources, to school districts and Tribes to improve services to meet the educational needs of Tribal students based on current published indigenous best practices in education;
- (2) provide assistance to school districts and New Mexico Tribes in the planning, development, implementation and evaluation of curricula in Native languages, culture and history designed for Tribal and nontribal students as approved by New Mexico Tribes;
- (3) develop or select for implementation a challenging, sequential, culturally relevant curriculum to provide instruction to Tribal students in pre-kindergarten through sixth grade to prepare them for pre-advanced placement and advanced placement coursework in grades seven through twelve;
- (4) provide assistance to school districts, public post-secondary schools and New Mexico Tribes to develop curricula and instructional materials in Native languages, culture and history in conjunction and by contract with Native language practitioners and Tribal elders, unless the use of written language is expressly prohibited by the Tribe;
- (5) conduct indigenous research and evaluation for effective curricula for Tribal students;
- (6) collaborate with the department to provide distance learning for Tribal students in public schools to the maximum limits of the department's abilities;

- (7) establish, support and maintain an Indian Education Advisory Council;
- (8) enter into agreements with each New Mexico Tribe or its authorized educational entity to share programmatic information and to coordinate technical assistance for public schools that serve Tribal students;
- (9) seek funds to establish and maintain an Indian education office in the northwest corner of the state or other geographical location to implement agreements with each New Mexico Tribe or its authorized educational entity, monitor the progress of Tribal students and coordinate technical assistance at the public pre-kindergarten to post-secondary schools that serve Tribal students;
- (10) require school districts to obtain a signature of approval by the New Mexico Tribal governments or their government designees residing within school district boundaries, verifying that the New Mexico Tribes agree to Indian education policies and procedures pursuant to federal requirements;
- (11) seek funds to establish, develop and implement culturally relevant support services for the purposes of increasing the number of Tribal teachers, administrators and principals and providing continued professional development for educational Assistants, teachers and principals serving Tribal students, in conjunction with the Indian education Advisory Council:
 - (a) recruitment and retention of highly qualified teachers and administrators;
 - (b) academic transition programs;
 - (c) academic financial support;
 - (d) teacher preparation;
 - (e) teacher induction; and
 - (f) professional development;
- (12) develop curricula to provide instruction in Tribal history and government and develop plans to implement these subjects into history and government courses in school districts throughout the state;
- (13) ensure that Native language bilingual programs are part of a school district's professional development plan, as provided in Section [22-10A-19.1NMSA](#) 1978; and
- (14) develop a plan to establish a post-secondary investment system for Tribal students to which parents, Tribes and the state may contribute.

ARTICLE 11: RESIGNATION OR REMOVAL OF MEMBERS

Indian Education Advisory Council members that fail to attend two (2) or more meetings (in person or through technology) in one calendar year will be removed from the Advisory Council unless the absences are due to unforeseen circumstances or hardship.

Members may resign by notifying the Chair and the Assistant Secretary of Indian Education or designee.

ARTICLE 12: PER DIEM AND MILEAGE

In accordance with 22-23A-6 NMSA 1978, members of the Indian Education Advisory Council *may* receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act [[10-8-1](#) to [10-8-8](#) NMSA 1978].

Per diem and mileage reimbursement for travel not related to Indian Education Advisory Council meetings, or meetings required by statute may be approved and reimbursed at the discretion of the Assistant Secretary of Indian Education or designee.

- Advisory Council members must obtain *prior* approval from the Council chair and the Assistant Secretary of Indian Education to attend meetings on behalf of the Advisory Council.
- Advisory Council members must obtain *prior* approval from the Assistant Secretary of Indian Education to submit for per diem and mileage reimbursement.

ARTICLE 13: AMENDMENTS

Any amendment to these bylaws requires a consensus of the quorum³.

³ Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance (in person or by technology).

BYLAWS SUPPLEMENT: IEAC ADVISEMENT CYCLE

The following is a suggested advisement cycle structure. This structure ensures the continuity of advisement(s), work, and collaboration with the Public Education Department and local Tribes. The IEAC may modify this structure to meet their collective needs.

ONGOING	FEBRUARY		APRIL	JUNE	NOVEMBER	ONGOING
Stakeholder Feedback	Research Workshop (Morning)	Design Workshop (Afternoon)	NMPED Shares current work aligned to requirements in the Indian Education Act	Official Advisement Package Produced and Shared with SOE/NMPED	Advisement Formally Presented to Tribal Leadership and NMPED	NMPED Integration of Advisement(s)
Action/work outside of meeting schedule	IEAC Meeting		IEAC Meeting/G2G	IEAC Meeting	IEAC Meeting/G2G	Action/work outside of meeting schedule
IEAC will share ideas and proposed advisements with stakeholders and collect feedback. Stakeholders include but not limited to: <ul style="list-style-type: none"> • Tribes/Pueblos • Education Leaders • Parents & Families • IED Colleagues & Experts 	IEAC will review: <ul style="list-style-type: none"> • Previous legislative actions, • NMPED rule-making, • Student Achievement Data, • IE Reports, and • Any other pertinent information. <p>Based on research and data review, IEAC will choose 3-4 advisement topics.</p>	IEAC will design advisement(s) <ul style="list-style-type: none"> • Specific, measurable requests • Detailed budget implications • Who, how, what, when, etc. 	NMPED Secretary of Education, Deputy Secretary of Education, Assistant Secretary of Indian Education, and Higher Education Liaison share HOW current work is focused on improving Native/Tribal student outcomes.	IEAC <ul style="list-style-type: none"> • Shares stakeholder input and feedback with each other • Decides which stakeholder feedback and input to incorporate • Drafts final advisement package • Shares official advisement with SOE and key NMPED staff 	IEAC formally presents final advisement package to Tribal Leaders, Indian Affairs, BIE, PEC, SOE, Deputy Secretary of Education, Assistant Secretary of Indian Both Tribal leadership and NMPED provide feedback and create dialogue. Package is posted on IED/NMPED website.	IED/NMPED integrates viable advisements into their yearly work plan, and into legislative package (when appropriate)