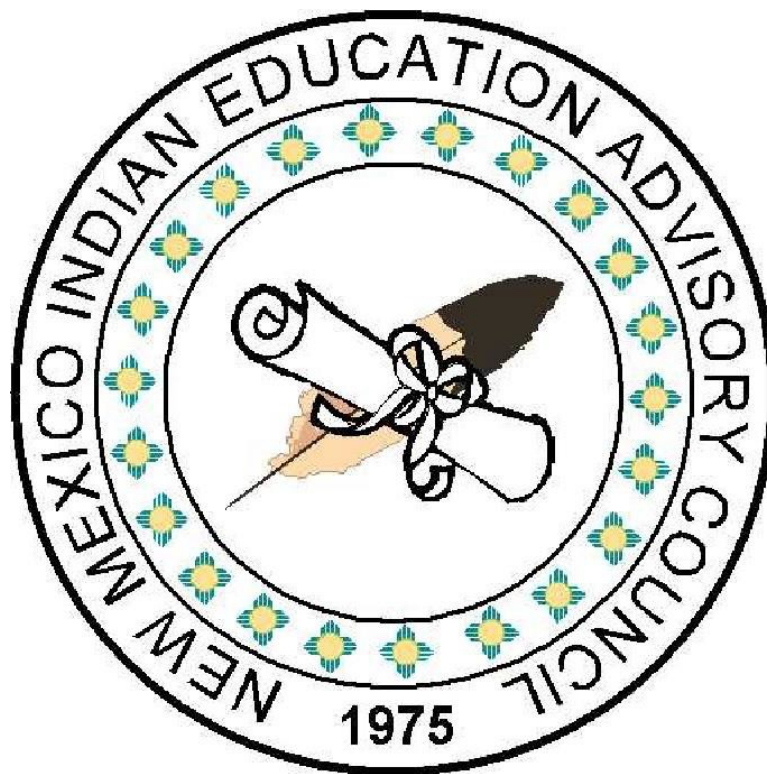


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INDIAN EDUCATION ADVISORY COUNCIL
BYLAWS

Table of Contents

ARTICLE 1: COUNCIL NAME

ARTICLE 1.1: DEFINITIONS.....

ARTICLE 2: PURPOSE.....

ARTICLE 3: IEAC MEMBERS.....

ARTICLE 3.1: VOTING MEMBERS.....

ARTICLE 3.2: NON-VOTING, NON-MEMBER GUESTS.....

ARTICLE 4: APPOINTMENT TO THE IEAC.....

ARTICLE 4.1: REMOVAL OF IEAC MEMBERS.....

ARTICLE 4.2: RESIGNATION OF IEAC MEMBERS.....

ARTICLE 5: MEETINGS

ARTICLE 6: AGENDAS.....

ARTICLE 7: MINUTES.....

ARTICLE 8: QUORUM

ARTICLE 9: IEAC OFFICERS.....

ARTICLE 9.1: DUTIES OF THE CHAIRPERSON.....

ARTICLE 9.2: DUTIES OF THE VICE CHAIRPERSON.....

ARTICLE 9.3: DUTIES OF THE IEAC SECRETARY.....

ARTICLE 9.4: OFFICER SELECTIONS.....

ARTICLE 10: IEAC VOTING MEMBER TRAINING REQUIREMENTS.....

ARTICLE 11: COUNCIL TERMS OF SERVICE.....

ARTICLE 12: ADVISING THE SECRETARY OF PUBLIC EDUCATION

ARTICLE 13: ADVISING THE SECRETARY OF EARLY CHILDHOOD EDUCATION AND CARE.....

ARTICLE 14: CONSULTATION REQUIRED FROM ASSISTANT SECRETARY OF INDIAN EDUCATION

ARTICLE 15: PER DIEM AND MILEAGE FOR VOTING MEMBERS.....

ARTICLE 16: AMENDMENTS

BYLAWS SUPPLEMENT: IEAC ADVISEMENT CYCLE

ARTICLE 1: Indian Education Advisory Council

The name of this council shall be the Indian Education Advisory Council (IEAC), as outlined in the Indian Education Act, Section 22-23A-6 NMSA 1978.

ARTICLE 1.1: DEFINITIONS

The following definitions are used throughout the bylaws, some of which are defined in the Indian Education Act, Section 22-23A-3 NMSA 1978:

- A. **“Appointed member”** means a member appointed by the Secretary of Education and is currently in a four-year term.
- B. **“Assistant Secretary for Native American Early Education and Care”** means the Assistant Secretary for Native American Early Childhood Education and Care who is appointed by the Secretary for the Early Education and Care Department (ECECD), with the consent of the Governor, and is located in the Office of the ECECD Secretary.
- C. **“Assistant Secretary of Indian Education”** means the Assistant Secretary of Indian Education who is appointed by the Secretary of Public Education, is charged with directing the activities of the Indian Education Division, and is located in the Public Education Department (PED).
- D. **“Calendar year”** means within a period of a year, January 1 through December 31.
- E. **“Commission”** or **“PEC”** means the Public Education Commission.
- F. **“Designee”** means the PED employee designated to represent the Assistant Secretary of Indian Education.
- G. **“Division”** means the Indian Education Division in the PED.
- H. **“Fiscal year”** means within a period of the year, July 1 through June 30, which is the state fiscal year.
- I. **“Government-To-Government”** means the relationship between a New Mexico Tribe and a state government.
- J. **“Guest”** means an individual invited by the IEAC to participate in IEAC meetings who are not appointed members of the IEAC and do not have the right to vote at meetings.
- K. **“Indigenous”** means Native or Tribal groups of the Americas that maintain a cultural identity separate from the surrounding non-Indigenous cultures.
- L. **“New Mexico Tribe”** means an Indian Nation, Tribe, or Pueblo located within New Mexico.
- M. **“Quorum”** means a majority of the IEAC voting members. Specifically, the number of appointed committee members divided by two groups, so one group has at least one more member than the other. The larger number is the number of IEAC members required for a quorum.
- N. **“Semiannual”** means occurring twice a year; approximately half a year a part.

O. **“Tribal”** means pertaining to urban Indians who are residents of New Mexico or to an Indian Nation, Tribe or Pueblo located within New Mexico.

P. **“Urban Indian”** means a member of a federally recognized Tribe or an Alaska Native who lives in an off- reservation urban area and is a New Mexico resident.

ARTICLE 2: PURPOSE

In accordance with Section 22-23A-6 NMSA 1978, the IEAC shall advise the Secretaries of Public Education and Early Childhood Education and Care and the Assistant Secretaries of Indian Education and for Native American Early Childhood Education and Care on implementation of the provisions of the Indian Education Act.

ARTICLE 3: IEAC MEMBERS

ARTICLE 3.1: VOTING MEMBERS

In accordance with Section 22-23A-6 NMSA 1978, the [Council] IEAC consists of sixteen (16) voting members as follows:

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

ARTICLE 3.2: NON-VOTING, NON-MEMBER GUESTS

- A. New Mexico Higher Education Department’s Tribal Liaison will serve as a non-voting, non-member guest of the IEAC.
- B. PEC member will serve as a non-voting, non-member guest of the IEAC.

ARTICLE 4: APPOINTMENT TO THE IEAC

In accordance with Subsection B of 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 4.1: REMOVAL OF IEAC MEMBERS

IEAC voting members could be removed due to, but not limited to, the following circumstances:

- A. Failure to meet their obligations as IEAC voting members; or
- B. Conduct detrimental to the IEAC as a whole.

ARTICLE 4.2: RESIGNATION OF IEAC MEMBERS

IEAC voting members may resign by notifying the Chairperson and the Assistant Secretary of Indian Education or designee.

ARTICLE 5: MEETINGS

In accordance with Subsection D of Section 22-23A-6 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 of Public Education, the Assistant Secretary of Indian Education, and the IEAC shall meet at the Government-to-Government meeting to assist in evaluating, consolidating, and coordinating all activities relating to the education of Tribal students.

Pursuant to the approved bylaws, additional people, including the Secretary of ECECD and the Assistant Secretary of Native American Early Childhood Education and Care, may be invited to attend the Government-to-Government meeting to assist in evaluating, consolidating, and coordinating all activities related to the education of Tribal students.

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

All IEAC members shall be given written notice of IEAC meetings at least thirty (30) days prior to their scheduled dates. All IEAC meetings shall be open to the public. Prior public notice shall be provided in compliance with the Open Meetings Act.

ARTICLE 6: AGENDAS

IEAC meeting agendas shall be set by the Chairperson. All meeting agendas shall be subject to approval and adoption by the IEAC. The IEAC shall reserve the right to alter the order and/delete items at the meeting. The draft meeting agenda shall be posted to the Indian Education Division's IEAC webpage and be provided to all IEAC members seventy-two (72) hours in advance of an IEAC meeting. Action may only be taken on items that have been officially posted on the final agenda thirty-six (36) hours prior to the meeting, in compliance with the Open Meetings Act.

ARTICLE 7: MINUTES

Official minutes shall be made of all IEAC meetings, and shall be retained and made available to the public as required by applicable law, including the New Mexico Inspection of Public Records Act. Minutes shall include, but not be limited to:

- A. The date, time, and place of the meeting;
- B. The voting members of the IEAC recorded as either present or absent and guests in attendance;
- C. The substance of all matters proposed, discussed, or decided and at the request of any voting IEAC member, a record, by an individual voting IEAC member, of any votes taken; and
- D. Any other information that any voting member of the IEAC requests to be included or reflected in the minutes.

The minutes of each meeting shall be taken by the IEAC Secretary or designee and reviewed by the IEAC Chairperson. Draft minutes will be sent to IEAC members and Indian Education Division staff within two (2) weeks of a meeting. IEAC members should send change requests to the IEAC Chairperson within four (4) weeks of receipt. The Chairperson will incorporate approved change requests and publish the minutes as administratively approved on the Indian Education Division's IEAC webpage. The IEAC may amend the minutes prior to the final approval at the next open meeting, if needed.

ARTICLE 8: QUORUM

In accordance with Subsection C of Section 22-23A-6 NMSA 1978, a majority of the voting members of the IEAC constitutes a quorum for the transaction of business. If a quorum is not met within 15 minutes of the start of the meeting, the meeting will be rescheduled.

When deciding on an advisement to the Secretaries of either Public Education or Early Childhood Education and Care, a decision that affects the IEAC or a change to the bylaws, a vote by quorum of the IEAC in attendance (in person or by technology) will determine the outcome.

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

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

Count the voting members present (in person or through technology) at a meeting to determine whether the required number of members is present for a quorum. This does not include non-voting, non-member guests or vacant IEAC position.

IEAC voting members may attend and participate in meetings in person or by telephone or other means of telecommunication or electronic communication through which all voting IEAC members can be heard. Participation in such fashion shall constitute presence in person for determining a quorum. The presence of a quorum must be established before any vote of the IEAC can be taken.

ARTICLE 9: IEAC OFFICERS

In accordance with Subsection C of Section 22-23A-6 NMSA 1978, the IEAC shall elect a chairperson from its membership.

Additionally, pursuant to the approved bylaws, the IEAC shall elect a vice-chairperson and secretary from its voting members.

ARTICLE 9.1: DUTIES OF THE CHAIRPERSON

The chairperson's primary role is to oversee and guide the work of the IEAC as developed in a yearly plan that is approved by the Assistant Secretary of Indian Education or designee.

The chairperson will only speak on behalf of the IEAC when a quorum of the IEAC has agreed to the communication.

Core responsibilities of the chairperson include:

- A. Draft annual goals for review and approval by Assistant Secretary of Indian Education or designee.
- B. Develop meeting agendas in partnership with the Assistant Secretary of Indian Education or designee.
- C. Lead meetings.
- D. Assign tasks to committee members, including but not limited to subcommittee or working group tasks.
- E. Ensure committee work is pursued between meetings and where appropriate, is returned to the IEAC for review and approval by a quorum.
- F. Serve as liaison between the IEAC and the Indian Education Division.
- G. Make recommendations and advisements from the [Indian Education Advisory Council] IEAC to the Secretary of Public Education and Secretary of Early Childhood Education and Care.
- H. Communicate directly with the Assistant Secretary of Indian Education or designee regarding issues that impact the Indian Education Division.
- I. Any other duty or responsibility that is directly related to the advisement of the Secretary of Public Education and the Assistant Secretary of Indian Education or designee or the Secretary of Early Childhood Education and Care and the Assistant Secretary for Native American Early Education and Care based on the requirements of the Indian Education Act.

ARTICLE 9.2: DUTIES OF THE VICE CHAIRPERSON

The vice chairperson will act in the capacity of the chairperson in their absence or when there is a conflict of interest and the determination has been duly made for the vice chairperson to act in the capacity as chairperson. Additionally, the vice chairperson will perform duties as assigned by the chairperson in furtherance of IEAC functions.

ARTICLE 9.3: DUTIES OF THE IEAC SECRETARY

- [A] the IEAC secretary will provide minutes of meetings, review, report, and maintain records on behalf of the IEAC;
- B. the IEAC secretary will conduct roll call for meetings;
- C. the IEAC secretary will assist with the draft meeting agendas;
- D. the IEAC secretary will serve as chairperson in the absence of the chairperson and vice chairperson or when a determination has been duly made involving a conflict of interest; and
- E. the IEAC secretary will establish criteria for meeting agendas and minutes on areas of interest as advised by the IEAC.

ARTICLE 9.4: OFFICER SELECTIONS

IEAC officer positions, detailed above, shall be selected by a quorum of the IEAC.

Each officer shall serve a term of one year, beginning and ending at the annual meeting held in February.

Election of officers shall be by and from IEAC voting members as a whole and shall be held every year at the annual meeting.

Any IEAC voting member choosing to be nominated for an IEAC officer position must have been an IEAC voting member for the preceding twelve (12) months, unless there are no other eligible or interested candidates.

ARTICLE 10: COUNCIL TERMS OF SERVICE

In accordance with Subsection B of Section 22-23A-6 NMSA 1978, voting members shall be appointed by the Secretary of Public Education with input from New Mexico Tribes and organizations involved in the education of Tribal students. Appointments shall be for terms of four (4) years.

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

ARTICLE 11: ADVISING THE SECRETARY OF PUBLIC EDUCATION

In accordance with Subsection A of Section 22-23A-6 NMSA 1978, the IEAC shall advise the Secretary and Assistant Secretary of Indian Education on implementation of the provisions of the Indian Education Act.

The purpose of the Indian Education Act, Section 22-23A-2 NMSA 1978, 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]] PED 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 Bureau of Indian Education 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 PED; 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 Education 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 12: ADVISING THE SECRETARY OF EARLY CHILDHOOD EDUCATION AND CARE

In accordance with Section 22-23A-6 NMSA 1978, the IEAC shall advise the Secretary of Early Childhood Education and Care and the Assistant Secretary for Native American Early Childhood Education and Care on implementation of the provisions of the Indian Education Act.

The purpose of the Indian Education Act, Section 22-23A-2 NMSA 1978, 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 PED 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 Bureau of Indian Education 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 PED; 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 Education 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 13: CONSULTATION REQUIRED FROM ASSISTANT SECRETARY OF INDIAN EDUCATION

In accordance with Subsection E of Section 22-23A-5 NMSA 1978, the rules of the PED, and after consulting with the IEAC and determining the resources available within the department, the Assistant Secretary of Indian Education shall:

- A. 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;
- B. 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 non-Tribal students as approved by New Mexico Tribes;
- C. 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;
- D. 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;
- E. conduct indigenous research and evaluation for effective curricula for Tribal students;
- F. collaborate with the [department] PED to provide distance learning for Tribal students in public schools to the maximum limits of the [department's] PED's abilities;

- G. establish, support and maintain an Indian Education Advisory Council;
- H. 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;
- I. 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;
- J. 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;
- K. 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: recruitment and retention of highly qualified teachers and administrators; academic transition programs; academic financial support; teacher preparation; teacher induction; and professional development;
- L. 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;
- M. ensure that Native language bilingual programs are part of a school district's professional development plan, as provided in Section 22-10A-19.1 NMSA 1978; and
- N. develop a plan to establish a post-secondary investment system for Tribal students to which parents, Tribes and the state may contribute.

ARTICLE 14: PER DIEM AND MILEAGE FOR VOTING MEMBERS

In accordance with Subsection E of Section 22-23A-6 NMSA 1978, voting members of the IEAC may receive per diem and mileage as provided for non-salaried public officers in the Per Diem and Mileage Act, Sections 10-8-1 through 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 for voting members at the discretion of the Assistant Secretary of Indian Education or designee.

IEAC voting members [must] shall obtain prior approval from the [Council] IEAC chairperson and the Assistant Secretary of Indian Education to attend meetings on behalf of the [Advisory Council] IEAC beyond the required semiannual and Government-to-Government meetings. For these additional meetings, such approval from the Assistant Secretary of Indian Education or designee for per diem and mileage reimbursement shall be obtained for each individual meeting prior to the scheduled meeting.

ARTICLE 15: AMENDMENTS

Any amendment to these bylaws requires approval of the quorum.

BYLAWS SUPPLEMENT: IEAC ADVISEMENT CYCLE

A suggested advisement cycle structure will be provided by the IEAC to ensure the continuity of advisements, work, and collaboration with the PED, ECECD, and local Tribes.

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
<p>IEAC will share ideas and proposed advisements with stakeholders and collect feedback.</p> <p>Stakeholders include but not limited to:</p> <ul style="list-style-type: none"> • Tribes/Pueblos • Education Leaders • Parents & Families • IED Colleagues & Experts 	<p>IEAC will review:</p> <ul style="list-style-type: none"> • Previous legislative actions, • PED rulemaking, • 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>	<p>IEAC will design advisement(s)</p> <ul style="list-style-type: none"> • Specific, measurable requests • Detailed budget implications • Who, how, what, when, etc. 	<p>PED Secretary of Education, Deputy Secretary of Education, Assistant Secretary of Indian Education, and Higher Education Liaison share how current work is focused on improving Tribal student outcomes.</p>	<p>IEAC</p> <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 	<p>IEAC formally presents final advisement package to Tribal Leaders, Indian Affairs, BIE, PEC, Secretary of Education, Deputy Secretary of Education, Assistant Secretary of Indian Both Tribal leadership and NMPED provide feedback and create dialogue.</p> <p>Package is posted on IED/PED website.</p>	<p>IED/PED integrates viable advisements into their yearly work plan, and into legislative package (when appropriate)</p>