

Wounded Knee District School Board

2022-2023



"HOME OF OUR
FUTURE LEADERS"

Wounded Knee District School Board Member

Hermis Tall - President

Colleen Steele – Vice President

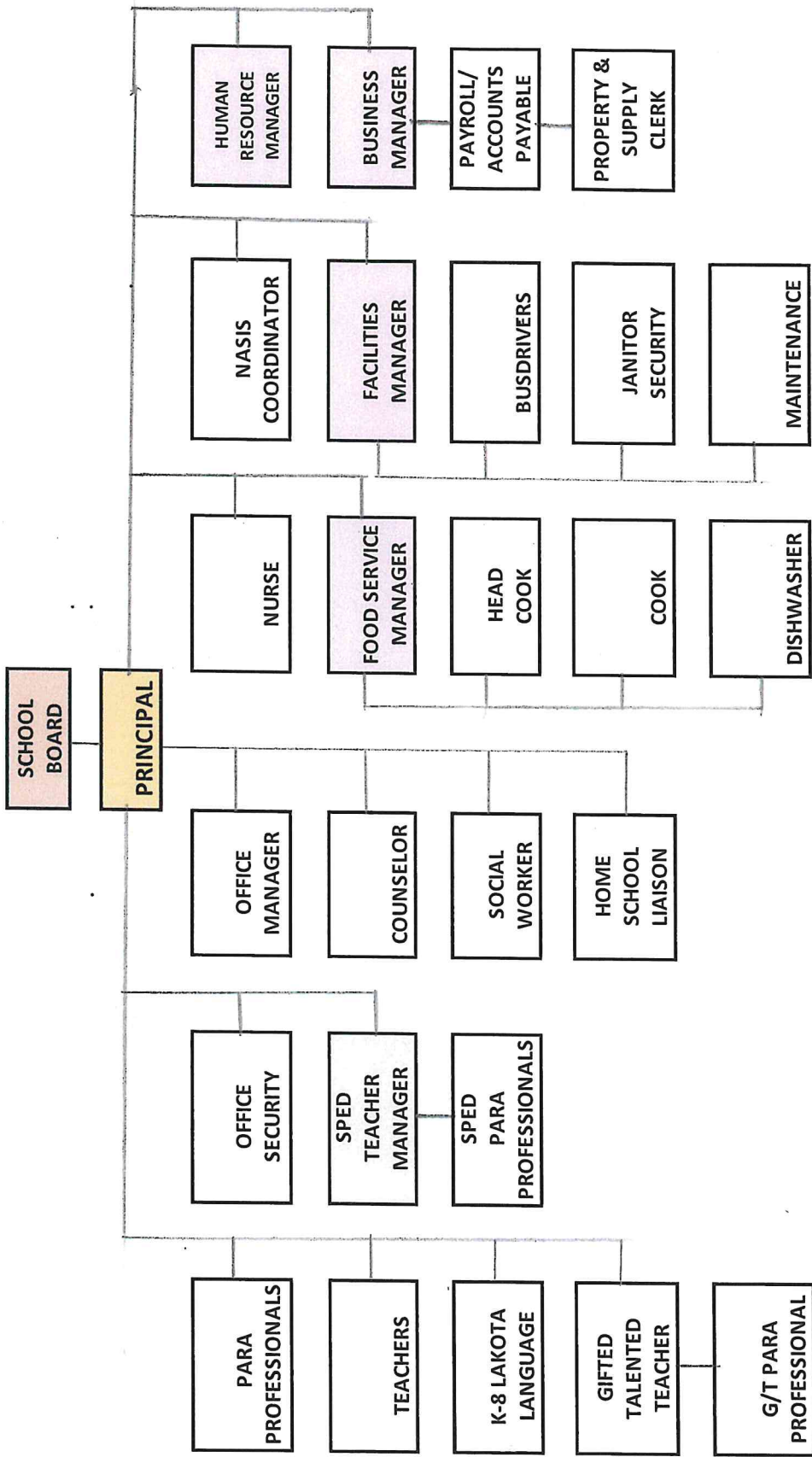
Karen White Butterfly - Treasurer

Darla Swain - Secretary

Betty O'Rouke - Member

Donna Jumping Eagle - Member

Lisa Looks Twice - Member



**CONSTITUTION AND BYLAWS OF THE
WOUNDED DISTRICT SCHOOL BOARD**
(As Amended July 6, 2021)

PREAMBLE

OGLALA SIOUX TRIBAL COUNCIL Ordinance 98-03 authorizes District School Boards to determine and enact the policies and requirements for election to each school's board of directors. Furthermore, OGLALA SIOUX TRIBAL COUNCIL Ordinance 98-03 permits the District Schools to establish and enact their own requirements within the framework of the Oglala Sioux Tribe's Constitution and Election Ordinance.

The Wounded Knee District School Board is a democratically elected group of members of the Oglala Sioux Tribe to provide for direction to the community it serves within the Pine Ridge Indian Reservation, and particularly within the Wounded Knee District School service area. The Board is a tribal non-profit entity which provides a variety of educational services primarily to the tribally-enrolled members of the Wounded Knee District, and surrounding service area, as established by Tribal law.

The Wounded Knee District School Board receives federal government funds under the authority of the Indian Self-Determination and Education Assistance Act, the Tribally Controlled Schools Act of 1988, and other federal statutes. The Wounded Knee District School is not funded by the State of South Dakota. The Wounded Knee District School is a "tribal organization" as that term is defined in 25 U.S.C. § 450b(1), and an "Indian Tribe" for purposes of Title VII of the 1964 Civil Rights Act, as amended, the Americans With Disabilities Act, and the Age Discrimination Employment Act.

**ARTICLE I
NAME OF ORGANIZATION**

This organization shall be hereafter known as the *Wounded Knee District School Board*.

**ARTICLE II
MEMBERSHIP**

Members of the Wounded Knee District School Board shall be members of the Oglala Sioux Tribe who reside in the Wounded Knee District.

ARTICLE III SCHOOL BOARD AND ITS OFFICERS

SECTION A. TERMS

Wounded Knee District School Board establishes the following terms and number of Board members. There shall be seven (7) adult voting members each with four (4) year terms of office, which shall be staggered so that in the first term four (4) positions shall be up for election and in the next election two (2) years following, the other remaining three (3) positions shall be up for election. The elections shall be held every two (2) years thereafter for each set of staggered terms such that a portion of the School Board is to be elected every two (2) years.

The officers of the Wounded Knee District School Board shall be President, Vice-President, Secretary, and Treasurer, and such other officers as the Wounded Knee District School Board shall deem necessary

SECTION B. DUTIES OF OFFICERS

1. President. The President shall preside at all meetings, make reports and perform all other duties required by law.
2. Vice-President. The Vice-President shall assist the President and shall perform the duties of the President in her/his absence. In the absence of the President and Vice-President, the Secretary or his/her designee shall preside over official meetings, shall keep an accurate record of all meetings of the Board and shall perform other duties as designated.
3. Secretary. In the absence of the President and Vice-President, the Secretary shall preside over official Wounded Knee Board School meetings and perform such duties as assigned by the Wounded Knee District School Board.

4. Treasurer. The Treasurer shall review monthly financial reports and certify after the school board review and approval.

SECTION C. METHOD OF NOMINATION

Once elected, the new President shall immediately assume the position of the President and shall preside over the election of the Vice-President, Secretary, and Treasurer, and any remaining business. Officers previously elected shall serve until the new officers are elected.

SECTION D. ELECTION

1. Any member of the Oglala Sioux Tribe who resides in the Wounded Knee District and who must have attained the age of twenty-five (25) years, or older, at the time of the election.

2. The election shall be held in conjunction with the general election of the Oglala Sioux Tribe.

3. Any member of the Oglala Sioux Tribe who has attained the age of eighteen (18) years, or older, and who resides in the Wounded Knee District School Service area may vote in such elections.

4. The School Board is authorized to include other and additional such requirements for eligibility to be elected to the School Board as long as such requirements are in the best interests of the School.

SECTION E. TERM OF OFFICE

There shall be seven (7) voting members with four (4) year terms, the terms shall be staggered so that the first four (4) positions shall be up for election and in the next election two (2) years following, the other remaining three (3) positions shall be up for election.

SECTION F. VACANCIES

1. Any Board vacancy occurring shall be declared by majority vote of the board at a regular school board meeting. If a vacancy occurs within the first ninety (90) days of the term then the next highest vote getter shall fill the vacancy. If the vacancy occurs after the first ninety (90) days of the term and before the last year of the term then the vacancy shall be filled by a special election. If the vacancy occurs in the last year of the term then the vacancy shall be filled at the discretion of the school board by a majority vote. In the event a vacancy occurs, the vacancy shall be filled for the unexpired term of the board member who was replaced.

2. Should a vacancy occur in the office of President, the Vice-President shall serve the remainder of the term, with the Vice-Presidents office being filled by majority vote of the members of the governing body. If a vacancy occurs in the office of the Treasurer, the vacancy will be filled by a majority vote of the members of the governing body.

SECTION G. REMOVAL OF MEMBERS OF THE GOVERNING BODY

1. Any complaint against any member of the governing body must be in writing and sworn to by the complainant.

2. Any member of the Wounded Knee District School Board is not to be removed except by five (5) votes of the remaining school board members after the accused has had a due notice of the charges against him/her and has had an opportunity to be heard in his/her defense.

3. Any individual convicted of a felony during their term or fails to maintain their residence in the Wounded Knee District during their term shall forfeit their position in office.

ARTICLE IV MEETINGS

SECTION A. REGULAR MEETINGS

Regular meetings of the Wounded Knee District School Board shall be held on the first Tuesday of every month.

SECTION B. FINANCE MEETINGS

Finance meetings of the Wounded Knee District School Board shall be held on the third Tuesday of every month.

SECTION C. SPECIAL MEETINGS

Special meetings may be called whenever deemed necessary by the President or in the absence of the President by the Vice-President.

SECTION D. QUORUM

Four members of the governing body shall constitute a quorum to conduct business on behalf of the Wounded Knee District School Board.

ARTICLE V POWERS OF THE SCHOOL BOARD

1. The Wounded Knee District School Board will consider and make final decisions on all programs and proposals relating to curriculum, instructional services, personnel, food services, plant facilities and management, transportation, supportive services, and fiscal and budgetary matters such as the School Budget, and 874 funds (Impact Aid).
2. The Wounded Knee District School Board for the benefit of the Wounded Knee District School may apply for, negotiate, appeal from adverse decisions at any level regarding execute, re-contract and amend or modify a contract or contracts with the Bureau of Indian Affairs and other public or private agencies for planning, design, construction, and operation of school facilities and programs, or portions thereof, which the Bureau of Indian Affairs currently administers or shall in future administer.
3. The Wounded Knee District School board shall pursue control of all matters relating to the education within the Wounded Knee District School as is the policy of the Bureau of Indian Affairs as stated in Public Law 95-561, section 1130, Policy for Indian Control of Indian Education, 25 USC 201, 92 STAT. 2321
4. The Wounded Knee District School Board may cooperate with other organizations and agencies active in child welfare and citizenship, such as conference groups or coordinating councils, provided they make no commitments

that will bind any of their member groups or the Oglala Sioux Tribe Education Committee.

5. The Wounded Knee District School Board shall solicit funds from available sources as it may choose, and will disburse these funds in any manner related to the performance of its duties and functions, and in compliance with regulations of the funding sources.

6. The Wounded Knee District School shall compensate its members of the governing body for the reasonable expenses incurred in the performance of their duties as governing body members if funds for such reimbursements are available.

ARTICLE VI PARLIMENTARY AUTHORITY

Robert's Rules of Order Newly Revised shall govern this organization in all cases to which they are applicable and in which they are not inconsistent with the By-Law and any special rules the organization may adopt.

ARTICLE VII AMENDMENT

This Constitution may be amended by an affirmative vote of five (5) members of the Wounded Knee District School Board present at a regular school board meeting.

ARTICLE VIII DISSOLUTION


In the event of the dissolution of the Wounded Knee District School Board, after meeting any and all financial obligations accrued by the Wounded Knee District School Board, any remaining assets shall be distributed at that time as shall be deemed appropriate to such organizations within the Wounded Knee District School created for charitable and education purposes meeting the requirements of Internal Revenue Service 501(c)(3).

C-E-R-T-I-F-I-C-A-T-I-O-N

I, HEREBY CERTIFY THAT THE FOREGOING AMENDED CONSTITUTION AND BYLAWS OF THE WOUNDED KNEE DISTRICT SCHOOL BOARD WAS ADOPTED AT A MEETING OF THE WOUNDED KNEE DISTRICT SCHOOL BOARD ON JULY 6, 2021 BY A TWO-THIRDS VOTE (2/3) VOTE OF QUALIFIED MEMBERS OF THE GOVERNING BODY.

ATTEST


Board Chair


Secretary

Wounded Knee District School
School Board Election Ordinance
(As Amended August 3, 2021)

OGLALA SIOUX TRIBAL COUNCIL Ordinance 98-03 authorizes District School Boards to determine and enact the policies and requirements for election to each school's board of directors.

Furthermore, OGLALA SIOUX TRIBAL COUNCIL Ordinance 98-03 permits the District Schools to establish and enact their own requirements within the framework of the Oglala Sioux Tribe's Constitution and Election Ordinance.

To that end, in 2018, the WKDS School Board enacted election procedures for the Wounded Knee District School's School Board election, which established the Election Commission to act as the official body authorized to conduct the general election of the WKDS School Board and to make candidate eligibility determinations.

The Wounded Knee District School Policies and Procedures Manual Section 1.07 establishes the requirements for eligibility to be a candidate for the WKDS School Board, these requirements are incorporated herein at Section 13.

The Wounded Knee District School, hereby amends and replaces all prior procedures, ordinances, or other instrumentation with the following election procedures:

SECTION 1. Election Commission. The Wounded Knee District School Board, by vote of a majority of the School Board Members who: 1) do not have a conflict of interest as defined in Section 13 herein, 2) who are present, and 3) who are otherwise eligible to vote, **shall appoint an Election Commission and one Election Coordinator.**

The Election Commission has the duty to conduct the General Election of the School Board in accordance with the procedures set forth herein. The Election Commission has the duty and authority to determine the eligibility of the candidates pursuant to Section 3 herein and to consider, and make rulings on, any challenges or disputes that may arise relating to the election.

The Election Coordinator is responsible for implementation and management of the election process. It is the Election Coordinator's responsibility to oversee the day-to-day operations of the Election, as well as overseeing the polling places on election day.

~~The Election Commission shall be comprised of three (3) eligible voters,~~ who are not currently School Board Members plus one (1) alternate. All Election Commission members including the alternate, as well as the Election Coordinator are to attend election Judge and Teller training and

the alternate is to be prepared to replace any Election Commission Member that is unable to fulfill their duties.

The Wounded Knee District School Board will announce that it is accepting applications for the positions of Election Commissioners and Election Coordinator by posting such notice at the local Post Office, District CAP office and on the School's Website.

Any person interested in applying for the position of Election Commissioner or Election Coordinator, must submit a letter of intent to the Wounded Knee District School Board no later than July 1st prior to the Election. The School Board shall review the applications and make the appointments of the Election Commissioners and the Election Coordinator at its Finance Meeting held on the third Tuesday in July.

No Member of the Election Commission or the Election Coordinator will be eligible to hold such office if they, or any member of his or her immediate family, as defined in Section 13, is a candidate for the WKDS School Board.

The Election Commission shall establish a schedule for the election no later than September 1st of that year and such schedule shall be posted at the local Post Office, the District CAP office and on the School's website.

All actions of the Election Commission, including candidate eligibility determinations, must be taken in writing.

SECTION 2. Eligible Voters and List Thereof

- A) All members of the Tribe (as defined in Article II of the Constitution, as amended), 18 years or older at the time of the election dates, shall have the right to vote.
- B) No less than thirty (30) days prior to the General Election, the Election Commission shall compile a final and complete list of eligible voters and distribute the voters list, by precinct, to the respective election judge appointed for each such precinct. The election judge is responsible for immediate posting of the precinct voter list in at least one conspicuous public place within the precinct, or shall otherwise make the voters list available for public inspection, within the precinct.
- C) Any eligible voter whose name does not appear on the official voter list, may qualify to vote by signing a Statement of Eligibility, supported by the signature of one (1) qualified voter attesting to the facts set forth therein. The ballot of any person not on the official voters list shall be placed in a sealed envelope, the outside of the envelope is to be clearly marked that the voter was not on the official voter list and is to include the number of the voter. Such ballots shall remain segregated so that these challenges may be properly reviewed and counted when appropriate.

SECTION 3. Board Candidate and Board Member Qualifications. All candidates for the School Board Must meet each of the following requirements in order to be eligible to hold office on the School Board:

- A) Each candidate must reside in the Wounded Knee District for at least one (1) year prior to the General Election and must remain in the District during their tenure on the School Board.
- B) Any eligible individual must be willing to take the oath of office and be otherwise qualified to become a Board member at-large.
- C) Any individual who desires to be a candidate for office must be at least twenty-five (25) years of age on the date of the election and must be otherwise qualified to vote in said election.
- D) All Board candidates must submit to an alcohol and drug test as part of their candidate eligibility. The drug and alcohol test must be conducted by the candidate at the OST Clinic which is directed to return the results directly to the WKDS Election Commission. The drug and alcohol test results must be negative in order to be eligible to run for, and hold office and the candidate is to bear all related expenses.
- E) The candidate is also responsible for the cost of the criminal background check which will be conducted. Convicted felons, except for those who have been pardoned by the appropriate jurisdictional authority or have had their cases reversed by an appellate court, shall not be certified as a candidate, and may not be seated as a Board member.
- F) Board candidates shall have fully reimbursed the Wounded Knee District School for any money, travel, rent, or any other debts owed to Wounded Knee District School prior to being certified as a candidate. Any individual who owes a debt or reimbursement to Wounded Knee District School may not be certified or seated as a Board member.

The Election Commission is responsible for administering all background and criminal history checks, the Election Commission shall review the results of all alcohol and drug testing, in addition to all other eligibility requirements. **However, it is the potential candidate's responsibility to timely complete his or her candidate packet.**

SECTION 4. Election Disputes and Appeals. The Election Commission is responsible for the adjudication of all election disputes and appeals relating to the School Board election.

All decisions relating to an Election Dispute must be made by a majority vote of the Election Commission. The authority of the Election Commission to hear the dispute has been delegated to the Election Commission herein by the Wounded Knee District School under the authority of the Tribal Constitution.

An Election Dispute means a complaint which questions candidate eligibility, voter eligibility, the ballot, and the vote count process.

SECTION 5. Election Dispute Adjudication Procedure.

- A) Timing of Election Disputes. For purposes of submitting a timely Election Dispute, an ineligible candidate must submit their Dispute to the Election Commission within five (5) business days from the date of their eligibility determination letter.

- B) Procedure for Election Disputes. The Election Commissioners will investigate and decide Election Disputes using the procedures of these regulations.
 - 1. Properly filed Disputes shall undergo a preliminary review by the Election Commission within five (5) business days to determine if a hearing is requested and necessary.
 - 2. If a hearing is requested and granted, the Election Commission shall provide a minimum of ten (10) business days' notice for the hearing.
 - 3. If a hearing is not requested or is otherwise denied, the Election Commission will issue a final decision which will include a statement of facts and law relied on for its decision no later than ten (10) business days after the receipt of the Dispute.
 - 4. If a hearing takes place, the Election Commission has five (5) business days after the hearing date to issue its final decision which will include a statement of facts and law relied on for its decision.
 - 5. No further review by the Election Commission is available.

- C) Request for Reconsideration. Any request for reconsideration must be made within five (5) days after service of a final order or the announcement of the unofficial election results. Upon a timely request for reconsideration, the Election Commission may reconsider its decision upon such terms and conditions as it may deem just and proper, provided a petition for judicial review of its decision has not been filed. Reconsideration shall not be granted except upon a showing of additional evidence which is material and reasonably calculated to change the decision. In addition, the party seeking reconsideration must make a showing that a sufficient reason existed for failure to present the 'additional evidence' at the time of filing of the initial dispute. After review of the Request, the Election Commission may affirm, reverse, or modify its decision as the additional evidence may warrant.

D) Burden of Proof. The burden of proof to reverse any Election Dispute decision herein shall be upon the party seeking relief. All appeals of a final Election Commission Dispute Order must be reviewed on a clear error standard and the Court authorized in Section 5(E) shall be bound by the Election Commission's findings of fact. Deference shall be given to the Election Commission's determination as it is the official charged with the responsibility for interpreting its own regulations. Any review of such determination is limited to interpretation and application of policy or procedure and no new or additional evidence in support of, or in opposition to, the decision shall be permitted.

E) Appeal of a Final Election Dispute.

1. Decisions of the Election Commission may be appealed to the Supreme Court of the Oglala Sioux Nation by any candidate who is directly affected by the decision and this section specifically authorizes the OST Supreme Court to hear the appeal of a Final Election Dispute Order. Any person or persons filing an appeal of a Final Election Dispute Order with the OST Supreme Court must serve copies of the appeal upon the WKDS School Board on the same day such appeal was filed. Failure to timely serve the WKDS School Board with the Appeal as proscribed herein invalidates the appeal.

2. The Chief Justice of the Supreme Court, or any Associate Justice designated by the Chief Justice, may rule on any appeal of the Election Commission's Final Dispute Order, but only on questions of law based on the factual record established by the Commission. Nothing in this subsection, however, shall prevent the Supreme Court from ruling as a panel on any appeal, provided however, that the Supreme Court complies with due process and the time limits contained in subsection 3 of this section. All decisions by any justice of the Supreme Court, or the entire panel of the Supreme Court, shall be signed and in writing.

3. Because it is in the interest of justice all appeals to the Supreme Court of the Oglala Sioux Nation should be made promptly so that the election process is not held up, all appeals to the Supreme Court therefore shall be decided within five (5) working days from the date the appeal is filed with the clerk of the Supreme Court.

SECTION 6. Election Dates The Election shall be held in November in conjunction with the OST Election.

SECTION 7. Ballots The Election Commission shall prepare and supervise the printing and distribution of the Election Ballots. A record shall be kept by the Election Commission of the number of all such official ballots so printed and all official ballots shall be accounted for by the Election Commission in its report of the Election Results. The Election Commission shall draw names by lot to determine position on the Ballot.

SECTION 8. Polling Places An Election Commissioner will act as a Judge and Teller for each such polling place. Judges and Tellers shall be eligible voters who are members of the Wounded Knee District School Service Area. The Commission shall post sample ballots at the District Office and at public places throughout the Wounded Knee District School Service Area, including the local Post Office, the District CAP office and the School website, not less than five (5) working days prior to the date set for the Election.

SECTION 9. Ballot Boxes The Election Commission shall ensure that ballot boxes are located at each polling place. Each ballot box shall be locked and sealed, and the Election Commission shall establish appropriate safeguards to ensure control over and security for all ballot boxes. Immediately following the closing of the polls on Election Day, the Judge and Teller for each polling place shall make an unofficial count of the ballots cast at such polling place, shall account for all ballots entrusted to them, shall verify and sign the results of their ballot count, and shall immediately upon completion of the aforesaid, personally deliver all ballot boxes in their possession (with all cast ballots, extra ballots, challenge ballots and the unofficial results therein) to the Election Commission.

SECTION 10. Voting. Voting shall be conducted by secret ballot. Polling places shall be open between 8:00 A.M., (MST) and 7:00 P.M., (MST) on the day designated by the Election Commission for the Election. There shall be no electioneering within fifty (50) feet of polling place including any portion of the structure wherein the polling place is located. Any violation of this regulation shall constitute disorderly conduct and may be reported to the authorities.

SECTION 11. Election Results The entire Election Commission shall count the Election Ballots and certify the results of the Election. Each candidate may designate one (1) individual to observe the Election Commission's count of the ballots. The three (3) candidates receiving the greatest number of votes shall be declared elected. No candidate may be present during the counting of ballots and/or certification of the Election.

SECTION 12. Tie Vote In case of a tie for the first or second place, those candidates shall all be elected.

In the case of a tie for both the first place and for the second place in the Election, there shall be an automatic recount of the Election ballots by the Election Commission. If a tie remains after the automatic recount, the Election Commission shall conduct another election as soon as possible.

SECTION 13. Board Conflict of Interest. A conflict of interest exists whenever a Board Member's private or personal interests conflict with their duties as a member of the WKDS Board or their ability to conduct their duty. Any current Member of the WKDS School Board who is seeking re-election and therefore seeking candidacy on the ballot, has a conflict of interest herein. Additionally, if a sitting School Board Member has a member of his or her immediate family that is a candidate for the School Board or is seeking candidacy for the School Board that School Board

Member also has a conflict of interest herein. Additionally, personal or private interests may also create a conflict of interest when a friendship or other relationship exists which makes it impossible to fairly act in the best interests of the WKDS and in one's capacity as a member of the School Board. In such instances, when a real or perceived conflict exists, the Board Member should recuse his or her self from the decision making processes of the School Board.

If less than a quorum is remaining, due to such School Board Member conflicts of interest, the remainder of the School Board (Eligible School Board Members) is hereby authorized act despite the loss of a quorum.

The term "Immediate family member" as used herein, is defined in the Oglala Sioux Tribe's nepotism/personnel policies and shall be defined as an individual's spouse, child (including biological, legally adopted, and stepchildren), parent (including biological, legally adopted, and stepparents), grandparent (including biological, legally adopted and step grandparents).

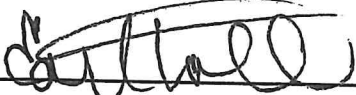
SECTION 14. Board Vacancy. If any Board Member moves outside of the Wounded Knee District or otherwise resigns from the Board, the Board vacancy shall be declared by majority vote of the Board at the next regular School Board meeting.


If such vacancy occurs within the first ninety (90) days of the Board member's term of office, then the person who received the second highest number of votes in the election shall be selected to fill the vacancy. If the vacancy occurs after the first ninety (90) days of the School Board member's term of office have lapsed, and prior to the last year of their term of office, then the Board shall direct that a special election be held to fill the vacancy. However, if the vacancy occurs in the last year of the Board member's term of office, then the vacancy shall be filled at the discretion of the School Board upon a majority vote.

In the event a vacancy occurs, the new elected or appointed Board member shall serve the Board member's office for remainder of the unexpired term of that Board member who was replaced.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, HEREBY CERTIFY THAT THE FOREGOING AMENDED SCHOOL BOARD ELECTION ORDINANCE OF THE WOUNDED KNEE DISTRICT SCHOOL BOARD WAS ADOPTED AT A MEETING OF THE WOUNDED KNEE DISTRICT SCHOOL BOARD ON AUGUST 3, 2021 BY A TWO-THIRDS VOTE (2/3) VOTE OF QUALIFIED MEMBERS OF THE GOVERNING BODY.

ATTEST: , Board Chair

, Secretary