SISSETON-WAHPETON OYATE
JOHNSON O'MALLEY BY-LAWS

The following are by-laws that have been established and approved by the Sisseton-Wahpeton Oyate Johnson O'Malley Committee and the Sisseton-Wahpeton Oyate.

ARTICLE I – Reference

In accordance with the Indian Self Determination and Education Assistance Act – Johnson O'Malley Act of 1934, 25 CFR Part 273 of the federal regulations., a Parent Committee selected in accordance with federal regulations, will adopt and abide by reasonable by-laws for the conduct of the project for which assistance is sought.

ARTICLE II – Name

The name of this committee shall be the Sisseton-Wahpeton Oyate Johnson O'Malley Committee.

ARTICLE III – Purpose

The establishment and the work of the parent committee are to comply with the rules and regulations as found in the Federal Register, Vol. 40, No 213, and Tuesday, Nov. 04, 1975. (Refer to 25 CFR Indians Sec. 273.16 Powers and Duties of Indian Education Committees and Sec. 273.17 Programs approved by an Indian Education Committee to complete the purpose.)

The purpose of the Johnson O'Malley Act of 1934 is to ensure that eligible Indian children receive the educational opportunities that would not otherwise be provided. The basic purpose is to provide supplementary financial assistance to meet the unique and specialized educational needs of Indian children within the public school system. JOM funds are supplementary and are not to take place of federal, state, or local funds. There are two (2) main requirements under Johnson O'Malley to assure parent participation and control:

1. The Indian Education Committee, and in this case of the Sisseton Wahpeton Oyate, the Indian Education Committee of the Browns Valley, Sisseton, Waubay and Wilmot School Districts will be known as the Sisseton Wahpeton Oyate Johnson O'Malley Committee. (SWOJOMC)
2. The education plan for the SWOJOMC.

ARTICLE IV – Membership

Section 1. Establishment of the Sisseton-Johnson O'Malley Committee

A. According to Sub-Part A, Sec. 273.15 of the Nov. 04, 1975 regulations and Indian Education Committee is to be elected from the parents/legal guardians (including persons acting 'in loco parentis').

B. The Sisseton-Wahpeton Oyate Johnson O'Malley Committee shall be composed of seven members and four alternates. Members from the four school districts will be decided on a ratio of one board member to every 100 students. Comprised of the Chairperson, Vice Chairperson, Secretary and four at-large members and four alternate.
C. All SWOJOMC members must have formal authorization by action (motion recorded in minutes) to represent or speak on behalf of the SWOJOMC.
D. Committee Members who fill a NJOMA position will remain on the SWOJOMC until they fulfill their commitment with the NJOMA. If their term ends they will be considered an honorary member.

Section 2. Election of the Seven Members of the SWOJOMC

A. New members are elected at a special voting session held either at the school from 9:00 am – 4:00 pm by a majority vote of parents/legal guardians of eligible Indian students in attendance at their respective schools within the Browns Valley, Sisseton, Waubay and Wilmot School Districts or the Tribal Education Department will be the second voting site for each respective school district from 9:00 am – 4:00pm.
B. A term is two years.
C. Two members are elected in odd calendar years and three members elected in even calendar years.
D. Membership in the SWOJOMC cannot be transferred.
E. There are no term limits.
F. The SWOJOMC elections are to elect the SWOJOMC members and not an election of officers.

Officers are to be elected by the SWOJOMC members themselves at their first re-organizational meeting.

Section 3. Annual Elections/Community Voting Rights

A. The Annual Election meeting shall be held in the month of September, or at dates as near to that day as determined by the SWOJOMC.
B. Candidates that are interested in running must submit a "Letter of Intent" no earlier than August 1 and no later than the Thursday prior to election. Eligible voters will sign in and be checked by school listing for eligibility.
C. Individual votes shall be cast by secret ballot and tallied visibly so that all in attendance will know the results.
D. The SWOJOMC Education Administrator or Tribal Education Director or designee shall act as the election judge for the Annual meeting.
(The election judge should be a non-voting, nonpartisan person and of no relation to those running for the SWOJOMC).
E. The SWOJOMC Education Administrator or Tribal Education Director will preside over the election of Officers at the official reorganizational meeting of the new Sisseton-Wahpeton Oyate Johnson O'Malley Committee.

Section 4. Election Voting Procedures

A. Election procedures: The Sisseton-Wahpeton Oyate Johnson O'Malley Committee is made up of seven parents or legal guardians of eligible JOM students.

B. Eligibility to run for the SWOJOMC: According to the Federal Regulations – Sub part a, Section 273.15 "the Indian Education Committee is to be elected for the parents (including persons acting "in loco parentis" – legal guardian) except school officials of the eligible Indian students on the schools affected by the subcontract under this part." SWOJOMC also recognizes the Dakota kinship relationship as it involves a child living with an extended family member without court recognized documents. To avoid conflict of interest or give the appearance of a conflict of interest, school officials or their spouses, persons directly involved in oversight of the name of the tribe JOM Program (if this is in for a tribal contract) should not be eligible to serve as committee members.

C. Candidates:
   a. Candidates interested in running for the SWOJOMC will submit a letter of intent to the SWO Tribal Education Department; no earlier than August 1st and no later than the Thursday prior to the annual meeting. Due to the special conditions caused by the Pandemic the nomination and voting will take place by nomination or ballots dropped off in the Administration Building front entry. Email nominations are acceptable to the Tribal Education Director.
      i. The candidate must be an eligible JOM parent or guardian.
      ii. Votes shall be cast by secret ballot and tallied by the election judge.
      iii. The top vote recipients, (2 or 3) depending on whether it is an odd or even year, will be seated as the new SWOJOMC members.
      iv. An alternate will be the candidate that received lesser number of votes than the elected board member.
      v. Responsibilities/Duties of the SWOJOMC member.
         1. Attend monthly meetings.
         2. Assist other SWOJOMC members in planning and implementing program and special events.

D. According to the SWO Education Code All elected, appointed or otherwise seated board members of all entities of the Education Department are required to complete a background check according to the standard of character P.L. 101-630: Indian Child Protection and Family Violence Prevention Act and P.L. 101-647: Crime Control Act and other applicable SWO laws. Newly seated board members will have 30 days to complete their background checks prior to attending board meetings.

Section 5. Voting Rights – for SWOJOMC Meetings

A. Each member of the SWOJOMC shall have one vote in any matter submitted to the parent committee for a general vote.
B. Proxy voting and absentee balloting shall not be permitted.
C. A SWOJOMC member may abstain only from a conflict of interest that is determined valid by the chairperson. If there is no conflict, the SWOJOMC member must cast a vote.
D. The chairperson will cast the last vote.

Section 6. Termination of Membership

A. Any SWOJOMC member may resign by submitting a written resignation to the SWOJOMC
B. A SWOJOMC member shall be automatically removed from membership on the SWOJOMC for the following reasons:

a. The member does not attend any regular or special meetings of the committee for unexcused absences two consecutive months. Unexcused absences are considered no notification of absences.
b. If child of the member is no longer enrolled in the Browns Valley, Sisseton, Waubay, or Wilmot School District, the board member will be replaced by an alternate.
c. For Action or behavior, that brings discredit to the SWOJOMC or SWOJOM Program.

Section 7. Vacancies

A. Names of the nominated candidates, who are not elected to the SWOJOLMC at the Annual Meeting will be listed as alternates and will be utilized as alternates for any member of the SWOJOMC who resigns, is terminated or otherwise ineligible to serve on the SWOJOMC.
B. If the alternates are not able to serve, the SWOJOMC shall appoint by majority vote, an eligible JOM parent to fulfill the vacant SWOJOMC term.
C. The new member will only serve the remaining term of the vacancy.
D. If the new member replaces a SWOJOMC officer, that officer position does not transfer to the new member.
    a. An Election among the SWOJOMC members shall be held to replace the vacant officer position.

Section 8. Powers and Duties

A. Recommend curriculum including texts, materials and teaching methods to be used in the JOM Programs as needed.
B. Provide oversight of Budget and make recommendations.
C. Recommend criteria for employment in the program.
D. Review program results and make recommendations for changes to the JOM Education Administration or the Tribal Education Director.
E. The sub-contract application will be on file in the Tribal Education Department.
F. Recommend cancellation or suspension of approved program if the Browns Valley, Sisseton, Waubay, or Wilmot School District fails to permit the committee to exercise Powers and Duties.
G. Make recommendations to JOM Agreements and Contracts
H. Make an annual assessment of the learning needs of Indian children in the community affected.
I. Have access and review to all reports, evaluations, surveys and other program and budget related subjects on to provisions of 273.49.
J. Review and approve annual report
K. Review and approve the monthly reports and evaluations.
L. According to the organizational chart and procedures, hear grievances related to programs in the education plan.
M. Meet with the Sisseton Wahpeton Oyate JOM staff serving the Indian children and with local education agencies. All meetings are open to the public.

ARTICLE V – Officers

The officers of the Sisseton-Wahpeton Johnson O'Malley Program Committee shall be a chairperson, vice-chair and secretary.

Section 1. Election, Terms of Office and Officer Selection
The SWOJOMC shall be elected by a majority vote at the annual committee election, the committee members shall serve for two years.

A. Candidates will submit a letter of intent to the SWO Tribal Education Department no earlier than August 1st and no later than the Thursday prior to the meeting. Due to the special conditions caused by the Pandemic the nomination and voting will take place by nomination or ballots dropped off in the Administration Building front entry. Email nominations are acceptable to the Tribal Education Director.
B. Individual ballots will be cast.
C. Ballots counted individually in a visible manner. During the Pandemic the count will be via Multimedia.
D. Newly elected SWOJOMC shall take their positions as SWOJOMC members, at the first official meeting of the "new" SWOJOMC members.
E. The current SWOJOMC members shall maintain their positions as the SWOJOMC until the completion of the Annual Election Meeting. The JOM Education Administrator or the Tribal Education Director shall call to order the first official meeting of the "new" SWOJOMC members.
F. Officers (Chairperson, Vice-Chairperson and Secretary) shall be elected by the SWOJOMC at the first official meeting of the new Sisseton Wahpeton Oyate Johnson O'Malley Committee. This will be considered a re-organizational meeting.
    a. Nominations will be made by SWOJOMC members
    b. Nominees will be who received majority vote by the SWOJOMC members will become officers of the committee
G. Each officer of the SWOJOMC shall hold their office from annual meeting to next annual meeting.

Section 2. Officer Vacancies
A vacancy of an officer of the Sisseton-Wahpeton Oyate Johnson O'Malley Committee during the year may be filled by a majority vote of the SWOJOMC members present at a regular/special meeting. The newly elected officer shall serve only for the unexpired portion of the year term. The officer position may also be left vacant until the following annual meeting if so desired. (This would be beneficial if close to the annual meeting time)

Section 3. Removal
Any officer may be removed by a two-thirds vote of all members present whenever it is in the best interest of the committee according to ARTICLE IV, Section 6, (B).

Section 4. Duties of the Officers and SWOJOMC Members At-Large

A. Chairperson
The Chairperson shall perform all duties incidental to the office of the chairperson and such other duties as may be prescribed by the SWOJOMC from time to time. The chairperson shall act on behalf of the SWOJOMC, be recorded by motion of the SWOJOMC.
Specific Duties are:
    1. To preside over all general and special meetings
    2. Prepare the meeting agendas in conjunction with the JOM Education Coordinator
    3. Sign on behalf of the SWOJOMC, all letters, reports and the committee documents as required with authority given by the SWOJOMC

B. Vice-Chairperson

The Vice-Chair shall:

1. Assume the role of the Chairperson in his/her absence
2. Ensure that membership on the SWOJOMC is consistent with the federal regulations
3. Shall perform such other duties as may be requested by the committee

C. Secretary

The Secretary shall:

1. Distribute to the SWOJOMC prior to the meetings the following:
   A. The agenda prepared by the JOM Education Manager
   B. The minutes of the previous committee meeting
   C. Staff Reports
   D. Financial Reports
2. Write and disseminate the minutes of all meetings
3. Ensure that timely communication and information is provided to SWOJOMC
4. Ensure that all JOM records are on file and available
5. Keep contact information of SWOJOMC
6. The Secretary shall perform other such duties as prescribed by the Sisseton-Wahpeton Oyate Johnson O'Malley Committee

D. Members At-Large

1. To be present at monthly meetings
2. To participate fully in the SWOJOMC meetings
3. Perform other such duties as prescribed by the SWOJOMC

E. All SWOJOMC Members have formal authorization by action (motion recorded in minutes) to represent or speak on behalf of the SWOJOMC

ARTICLE VI – Meetings

The Sisseton-Wahpeton Oyate Johnson O'Malley Committee shall meet Quarterly and host the Annual Meeting. A majority of the members present at any meeting may adjourn the meeting. All meetings will be held using parliamentary procedures to conduct an orderly meeting. SWOJOMC shall vote on all issues brought before them in accordance with the approved agenda.

Section 1. Regular Meetings

A. The date and time of the regular SWOJOMC monthly meeting shall be the set at the reorganization meeting.
B. Notice of the regular meetings shall be published through email
C. SWOJOMC packets shall be emailed to each member not less than 5 days prior to each meeting The monthly packets shall include:
   a. The Agenda
   b. Copy of the last SWOJOMC meeting minutes
   c. Staff Reports
   d. Financial Reports
D. All regular meetings shall be open to the public
E. During the Pandemic the meetings will be held via digital media or in a space that allows safe distancing.

F. Meeting stipends will be provided in accordance to the approved budget of the JOM Program. If the finances are constrained the board will meet on a voluntary status to conduct essential business.

Section 2. Special Meetings
Special meetings of the SWOJOM may be called by the Chairperson or by a majority vote of the committee. All SWOJOMC members shall be given a 2-day notice by telephone and email of the special meeting. The SWOJOMC members must be given the purpose of the Special Meeting. Agenda items must be limited to those areas of concern causing the call of the Special Meeting. No other items may be added or discussed during the meeting. There shall be no more than two Special Meetings per school year.

Section 3. Informal Meetings
Informal Meetings (work sessions) are conducted when a quorum of the SWOJOMC is not established at a regular or special meetings. No formal actions (motions) will be taken at any Informal Meeting unless by action of the SWOJOMC noted from a previous meeting where the SWOJOMC has approved the Officers to act on behalf of the SWOJOMC.

Section 4. Reorganizational Meetings
The reorganization meeting will set the meeting dates, the officers will elected, SWOJOMC stipends and set the retreat dates.

Section 5. Quorum
The presence of a simple majority of the committee shall be required to constitute a quorum necessary for the transaction of the business of the SWOJOMC. No decision of the committee shall be valid unless there is a majority vote of the members constituting a quorum.

Section 6. Agenda

A. The Agenda for each meeting shall be prepared by the JOM Education Manager. Individual members of the SWOJOMC are encouraged to submit agenda items for the Education Manager or Chairperson or present their proposals formally under the agenda item of "New Business".

B. An item may be placed on the agenda by contacting the JOM Education Administrator or Chairperson at least 5 days prior to the regular meeting date
C. An Agenda will be available to all

ARTICLE VII – Parliamentary Authority

The Sisseton-Wahpeton Oyate Johnson O'Malley Committee will conduct their meetings in accordance with Parliamentary Procedures.

ARTICLE VIII – Amending the By-Laws

The By-Laws shall be amended only at a regular meeting by a vote of 100% members of the SWOJOMC with 100% SWOJOMC in attendance. Provided that the amendment is to carry out the purpose and objectives of the parent committee as sited in Article III, Section 1-3. Any amendment must conform to the rules and regulations of the federal register, code of federal regulations 25 CFR, Part 273.15

ARTICLE IX – Ratification

These By-Laws shall be declared adopted by the Sisseton-Wahpeton Oyate Johnson O'Malley Committee when passed by majority of the full membership of the committee at a regular meeting of the SWOJOMC.

ARTICLE X – Grievance Procedure

Grievance procedures for complaints from the SWOJOM Indian students, parents and JOM staff relating to program(s) contracted under Johnson O'Malley shall be as follows:

Section 1. The complainant shall submit a grievance in writing to the Sisseton-Wahpeton Oyate Johnsons O'Malley Committee for investigative review and action.

A. Upon receipt of a written complaint, the SWOJOMC shall, within 10 working days, make an investigation document and submit its findings to the complainant
B. If the complaint cannot be resolved by the Sisseton –Wahpeton Oyate Johnson O'Malley Committee to the satisfaction of the complainant, the SWOJOMC shall forward the complaint with all investigative documents findings, and/or recommendations to the Sisseton-Wahpeton Tribal Secretary

Section 2. The Sisseton-Wahpeton Oyate Tribal Secretary shall proceed as follows:

A. Schedule a meeting with the SWOJOMC Chairperson with 10 working days after a complaint has been received
B. A grievance committee consisting of: Sisseton-Wahpeton Tribal Secretary, SWOJOMC Chairperson and an SWOJOMC member, will review the complaint, investigative documents, findings, and/or recommendations
C. Within 10 working days of this meeting, the SWO Tribal Executive will contact the complainant to review the grievance committee disposition in resolving the complaint
D. The findings of the SWO Tribal Executive shall be final

ARTICLE XI – Ratification

These By-Laws shall be declared adopted by the Sisseton-Wahpeton Oyate Johnson O'Malley Committee when passed by majority of the full membership of the committee, at a special meeting of the committee. These By-Laws are approved by the Sisseton –Wahpeton Oyate Johnson O'Malley Committee at a meeting held on January 25, 2021.

Tom Wilson
SWOJOMC Chairperson

Dr. Sherry Johnson
SWO Tribal Education Director

Jaimie Anderson-Renville
SWOJOM Officer Manager

Myrna Thompson
SWO Tribal Secretary