



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-6338 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

KIOWA TRIBERESOLUTION NO. KL-CY-2022-013

ESTABLISHMENT OF A TRIBAL EDUCATION AGENCY

At a duly called meeting of the Legislature of the Kiowa Tribe on this 13th day of August, 2022, the following Resolution and law were adopted.

WHEREAS; the Kiowa Tribe is a federally recognized Indian tribe with its own form of self-government and a constitution which allows for the creations of necessary departments;

WHEREAS; the Kiowa Legislature is vested with authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

WHEREAS; the Kiowa Tribe perpetually makes education a top priority and has inherent authority over education as part the Tribe's right to self-governance, and sees formal education as a means to preserve, protect, strengthen, and perpetuate the Tribe; and,

WHEREAS; the Kiowa Tribe finds that current achievement levels, graduation rates, attendance rates, and dropout rates for tribal Participants indicate educational challenges and thereby threaten their future and the future of the Tribe; and,

WHEREAS; there is no existing comprehensive process for coordinating the resources of the Tribe to monitor and collaborate with public school partners to improve formal education system, and;


WHEREAS; the purpose of this Resolution is to establish a Tribal Education Agency (TEA) also known as a Tribal Education Department (TED), that will work with all aspects of education from cradle to grave to ensure its education reflects the interests, perceptions and culture of Kiowa Participants, and to assist the Tribe in exercising self-determination and self-government consistent with its own tribal culture; now,

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "ESTABLISHMENT OF A TRIBAL EDUCATION AGENCY".

Posted and read into record by: Jacob Tsoitigh, District #7 Legislator, on Saturday, September 11, 2021. Placed on the Agenda for Legislative Regular Session LIV (54). Presented at the Public Legislative Hearing on Wednesday, January 05, 2022. Presented on Saturday, Legislative Regular Session LVII (57), January 08, 2022. Read into record, Legislative Regular Session LVIII (58), February 12, 2022. Placed on the Agenda for Legislative Regular Session LIX (59) and tabled. Placed on the Agenda for Legislative Regular Session LX-60, April 09, 2022-Tabled. Placed on the Agenda for Legislative Regular Session LXI-61, May 14, 2022-Tabled. Placed on the Agenda for Legislative Regular Session LXII-62 - Tabled. Placed on the Agenda for Legislative Regular Session LXIII-63, July 09, 2022 - Tabled. Placed on the Agenda for Legislative Regular Session LXIV-64, August 13, 2022. - Tabled. Placed on the Agenda for Legislative Regular Session LXIV-64, August 13, 2022 – Approved and numbers KL-CY-2022-013.

CERTIFICATION

The foregoing resolution KL-CY-2022-013 was duly voted upon by the Legislature on August 13, 2022, at a Legislative Regular Session LXIV-(64) with a vote of (6) in favor and (0) opposed, (0) abstaining, and (1) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.


 Anita Johnson
 Secretary of the Kiowa Tribe



LEGISLATURE - RESOLUTION NO. KL-CY-2022-013:


SPONSOR: Warren Queton, District #7 Legislator
 CO-SPONSOR(S): Ben Wolf, District #6 Legislator

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héńgyádàu
Kyle Ataddlety District #1	X			
Michael Primus District #2	X			
Timothy Satepauhoodle District #3	X			
Alana Quetone District #4	X			
Anita Johnson District #5	X			
Ben Wolf District #6	X			
Warren Queton District #7				X - out of state

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DELIVERY OF THE RESOLUTION TO THE CHAIRMAN

Resolution No. KL-CY-2022-013 was presented to the Chairman of the Kiowa Tribe on the 15th day of August, 2022, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman, veto override by the Legislature, or by operation of law.


Anita Johnson
Secretary of the Kiowa Tribe Legislature

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CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this 16th day of August, 2022.



Lawrence Spottedbird
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _____, 2022.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

Posted and read into record by: Jacob Tsofigh, District #7 Legislator, on Saturday, September 11, 2021. Placed on the Agenda for Legislative Regular Session LIV (54). Presented at the Public Legislative Hearing on Wednesday, January 05, 2022. Presented on Saturday, Legislative Regular Session LVII (57), January 08, 2022. Read into record, Legislative Regular Session LVIII (58), February 12, 2022. Placed on the Agenda for Legislative Regular Session LIX (59) and tabled. Placed on the Agenda for Legislative Regular Session LX-60, April 09, 2022-Tabled. Placed on the Agenda for Legislative Regular Session LXI-61, May 14, 2022-Tabled. Placed on the Agenda for Legislative Regular Session LXII-62 - Tabled. Placed on the Agenda for Legislative Regular Session LXII-62, June 11, 2022 – Tabled. Placed on the Agenda for Legislative Regular Session LXIII-63, July 09, 2022 - Tabled. Placed on the Agenda for Legislative Regular Session LXIV-64, August 13, 2022. - Tabled. Placed on the Agenda for Legislative Regular Session LXIV-64, August 13, 2022 – Approved and numbers KL-CY-2022-013.

LEGISLATURE – OVERRIDE ORDER NO. KLO-CY-2022-XXX: FOR RESOLUTION NO. KL-CY-2022-013

SPONSOR: Warren Queton, District #7 Legislator
 CO-SPONSOR(S): Ben Wolf, District #6 Legislator

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héñgyádàu
Kyle Ataddley District #1				
Michael Primus District #2				
Timothy Satepauhoodle District #3				
Alana Quetone District #4				
Anita Johnson District #5				
Ben Wolf District #6				
Warren Queton District #7				

CERTIFICATION

The foregoing Override Order KLO-CY-2022-XXX for Resolution KL-CY-2022-013, was duly voted upon by the Legislature on _____, 2022, at a Legislative Override Order Session with a vote of () in favor and () opposed, () abstaining, and () absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

 Anita Johnson
 Secretary of the Kiowa Tribe Legislature

Posted and read into record by: Jacob Tsotigh, District #7 Legislator, on Saturday, September 11, 2021. Placed on the Agenda for Legislative Regular Session LIV (54). Presented at the Public Legislative Hearing on Wednesday, January 05, 2022. Presented on Saturday, Legislative Regular Session LVII (57), January 08, 2022. Read into record, Legislative Regular Session LVIII (58), February 12, 2022. Placed on the Agenda for Legislative Regular Session LIX (59) and tabled. Placed on the Agenda for Legislative Regular Session LX-60, April 09, 2022-Tabled. Placed on the Agenda for Legislative Regular Session LXI-61, May 14, 2022-Tabled. Placed on the Agenda for Legislative Regular Session LXII-62 - Tabled. Placed on the Agenda for Legislative Regular Session LXIII-63, July 09, 2022 - Tabled. Placed on the Agenda for Legislative Regular Session LXIV-64, August 13, 2022. - Tabled. Placed on the Agenda for Legislative Regular Session LXIV-64, August 13, 2022 – Approved and numbers KL-CY-2022-013.

Section 1.1 Short Title

This enactment shall be known as the **ESTABLISHMENT OF A KIOWA TRIBAL EDUCATION AGENCY**

Section 1.2 Definitions

1. “Academic Term” means the duration of one (1) quarter, one (1) semester, or one (1) other segment for course of study, including appropriate amount of summer sessions as required by specific instruction.
2. “Academic Year” means the duration of three (3) quarters, or two (2) semesters, including appropriate amount of summer sessions as required by the specific instruction.
3. “Applicant” means any person who has applied for financial assistance from the Kiowa Tribe.
4. “Authorized Transfer” means officially withdrawing from an institution and enrolling in another with prior approval from the Board of Education.
5. “Board” means the Board of Education
6. “Board of Education” means the duly elected governing body of the Kiowa Tribal Education Agency.
7. “Business Day” means any day except a Saturday, Sunday or a holiday officially recognized by the Kiowa Tribe.
8. “Continuing Applicant” means an applicant who is no longer a first time applicant, having been awarded financial assistance for the preceding academic term and already has a student file on record with the Office of Post-Secondary Education.
9. “Credit Hour” means a unit of measurement referring to the amount of credit a student receives for completion of one (1) or more courses per academic term. Credit Hours are measured differently according to whether the institution the student is attending is on a quarter or semester system. In general, the Office of Post-Secondary Education refers to semester credit hours, whereby one (1) quarter hours equals 66% of a semester credit hour.

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10. "Director" means the Executive Director of the Kiowa Tribal Education Agency.

11. "Disability" includes mental and physical disabilities as defined in the Individuals with Disabilities Education Act 20 U.S.C. § 1401(3), as amended.

12. "Education institution" means a tribal, public or private preschool, elementary, or secondary school or institution; the Board of Education of a Tribal Education Department, Tribal Education Agencies, or school district; or any combination of Tribal Education Departments, Tribal Education Agencies, County Departments of Education, community college districts, elementary or secondary school districts recognized as the administrative agency for public elementary or secondary schools, or Regional Occupational Centers and Programs.

13. "Education Levels" means education levels for the purpose of this Education Code and its administration shall be defined as the following:

- a. Pre-School – all children and programs/projects with children below Kindergarten (grade K).
- b. Primary – all Participants and schools, programs, and projects with Participants in grades K-8.
- c. Secondary – all Participants and schools, programs, and projects with Participants in grades 9-12.
- d. Post-Secondary – all Participants and schools, programs, and projects with Participants above grade 12.

14. "Full-Time Student" is enrollment in a college, university, graduate school, or professional school as defined by the institution in which the student is enrolled. The Office of Post-Secondary Education further defines Full-Time Student to be enrolled in twelve (12) or more credit hours.

15. "Gender" means sex, and includes a person's gender identity and gender expression.

16. "Gender expression" means a person's gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

17. "Graduate Participants" a post-secondary participant pursuing a masters, doctoral or professional degree. Participants qualifying under this definition shall be subject to all Office of Post-Secondary Education Student Scholarship Award Program requirements.

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18. "Half-Time Student" is enrollment in a college, university, graduation school, or professional school as defined by the institution in which the student is enrolled. The Office of Post-Secondary Education further defines Half-Time Student to be enrolled in six (6) or eight (8) credit hours.

19. "Nationality" includes citizenship, country of origin, and national origin.

20. "Participant" includes Participants from other non-Kiowa nations participating in Kiowa TEA programs such as Johnson O'Malley and Title VI.

21. "Race or ethnicity" includes ancestry color, ethnic group identification, and ethnic background.

22. "Recipient" means a participant who is awarded financial assistance from the Tribe via the TEA and its Board of Education.

23. "Religion" includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

24. "Reservation" means all the lands which are held in trust or restricted status within the exterior boundaries of the Kiowa Tribe.

25. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- a. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
- b. Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual.
- c. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

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26. “Sexual orientation” means heterosexuality, homosexuality, or bisexuality.
27. “Student” means an applicant or recipient currently enrolled and attending a primary or secondary school, high school preparatory institution, a post-secondary institution, a graduate school, a professional school, or a vocational institution.
28. “Three-Quarter Time Student” is enrollment in a college, university, graduation school, or professional school as defined by the institution in which the student is enrolled. The Office of Post-Secondary Education further defines Three-Quarter Time Student to be enrolled in nine (9) or eleven (11) credit hours.
29. “Tribal Member” means a person who is enrolled with the Kiowa Tribe.
30. “Tribe” means the Kiowa Tribe.
31. “Tribal Legislature” means the Legislature of the Kiowa Tribe as defined in Article V of the Tribe’s constitution.
32. “Undergraduate Participants” a post-secondary participant pursuing an associates or baccalaureate degree. Participants qualifying under this definition shall be subject to all Office of Post-Secondary Education Student Scholarship Award Program requirements.

Section 1.3 Purpose

The Tribe recognizes the citizens of the Kiowa Tribe are its most valuable and important resource. The Kiowa Tribe, as a sovereign tribe residing within the United States, reorganized under the Indian Reorganization Act of 1934 (IRA; 25 U.S.C. §476), has a constitutional responsibility to oversee and direct their education through educational institutions, to assure their education reflects academic excellence, meets rigorous academic standards, broaden career expectations for all its citizens, and to streamline and improve delivery of educational services.

Section 1.4 Findings.

The Legislature hereby finds and declares that: The goal of all education and training for Tribal Citizens is self-sufficiency in its most comprehensive form. Of critical importance to the Tribe in the achievement of this goal of self-sufficiency is the use and practical application of academic instruction and training by Tribal Citizens towards realizing the attainment of degrees and certifications in their respective career areas. Self-sufficiency of an individual, his/her family, and ultimately the community of which the individual is an integral part is critical to the attainment of this

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goal of self-sufficiency. However, of primary importance is the development of internal expertise to contribute towards the advancement and progress of the entire Tribe towards self-sufficiency.

- (a) Current Kiowa Education Programs are disparate and disconnected without a seamless administrative oversight which could lend itself to more effective functioning with streamlined services to better serve its citizens under one umbrella of administration and,
- (b) The Kiowa Tribal Education Agency shall provide for a single point of contact for its Tribal Citizens to engage the educational process of each and every citizen who needs support of this agency.

Section 1.5 Kiowa Tribal Education Agency

1. This Act establishes its TEA in order to achieve this goal of self-sufficiency, the Kiowa Tribe declares that an appropriate education for its Tribal Citizens is one that promotes and encourages the following:
 - a. The formulation of age, grade, and/or developmentally appropriate competencies in all basic areas of academic and cognitive skills;
 - b. Development of Tribal citizenship;
 - c. Self-discipline, self-determination, and positive self-concept;
 - d. A comprehension and promotion of tribal culture, language, values; and
 - e. An attitude towards education which encourages lifelong learning.
2. This Education Code provides for accountability from all those involved in the education process: the participant, the parents, education providers, the Tribal Education Agency, the Tribal government, and the community.
3. The Tribe shall commit sufficient resources, funds, and/or monies towards the achievement of the education goal and the implementation of these policies set forth in this Education Code. In addition, this Education Code shall serve to assure the members of the Kiowa Tribe that the funds committed to education are spent for that purpose in a fair and equitable manner.

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4. Whenever reference is made to any portion of this Education Code, the Constitution or other Ordinances of the Kiowa Tribe, or of any law of the State of Oklahoma, or the laws of the United States, such reference applies to all amendments and additions now or hereafter made.

5. Title, division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this Education Code.

6. If any provision of this Education Code, or the application thereof to any person or circumstances is held invalid, the remainder of the Education Code, and the application of such provision to other persons or circumstances, shall not be affected thereby.

7. Whenever a power is granted to, or a duty is imposed upon, an officer of the Tribal Education Agency, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to Tribal law, by the officer, unless this Education Code expressly provides otherwise.

8. Words giving a joint authority to three or more Tribal or public officers or other persons are construed as giving such authority to the majority of them, unless it is otherwise expressed in the provisions of the Education Code giving the authority.

9. Unless the provisions or the context otherwise requires, these general provisions, rules of construction, and definitions shall govern the construction of this Education Code.

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