

CHAPTER 2. AUTHORITY, APPLICATION, ADOPTION, TRANSITION GUIDELINES

SECTION 1201 Authority

1. The Tribal Business Council, under Article V, Section 6(h) of the Constitution of Blue Lake Rancheria, has the authority “to charter and regulate corporations, cooperatives, associations, special districts, housing authorities, educational and charitable institutions, political subdivisions, and other entities.” The Tribe has a constitutionally mandated responsibility for the education of its members by prescribing and implementing educational policies applicable to all institutions, schools, and programs operating on the Reservation. At the same time, the Tribe recognizes the legitimate authority of the actual education provider, whether federal, state, community controlled or private. The Tribe commits itself, whenever possible, to work in cooperation with all education providers serving Tribal member youth or adults to assure the achievement of the educational goals of the Tribe established through these policies and in other applicable Tribal laws.
2. In exercising its responsibilities for providing educational opportunities to its membership, the Tribe, through the Tribal Education Agency and its administrative departments and offices, shall develop programs and demonstration projects to encourage and promote the pursuit of education by Tribal members. In order to ensure and encourage educational progress, the Tribal Education Agency shall enact policies and procedures to ensure both equity and opportunity in education, vocational training, as well as, provide financial assistance to students so that they may attend educational programs to improve their academic skills and training in accelerated and accredited programs.
3. The Blue Lake Rancheria specifically claims for its members and relies upon the responsibility of the federal government of the United States to provide for the education of the members of the Tribe based upon the appropriate provisions under the Snyder Act of 1922, the Johnson O’Malley Act of 1934, and the Indian Self-Determination Act of 1975. The Tribe, on behalf of its members, also claims and relies upon the rights of its members as citizens of the states within which they reside to a non-discriminatory public education. In exercising its responsibilities and authority for its members, the Tribe does not sanction or bring about any abrogation of the rights of the Tribe or its members based upon trust responsibilities or citizenship, nor does it diminish the obligation of the federal government of the United States, the states, or local political subdivisions of the state.
4. The Tribe recognizes that this Education Code may need to be amended, or modified in order to reflect the periodic changes in education and community standards. Changes and modifications to be carried out of this Education Code shall be completed in a timely manner and with consideration to the provision and quality of service.

SECTION 1202 Application

1. The policies and procedures of the Tribal Education Agency, established under this Education Code, are applicable to the maximum extent of the jurisdiction of the Tribe, as allowed by law.

2. There shall be no distinction made between Tribal members living on or off the reservation in regard to priority, provision of services, or financial assistance.
3. All education programs and services shall be made available to all Tribal members regardless of place of residence as is practically allowed.
4. The Education Code and its rules and regulations shall apply equally to all Tribal members.

SECTION 1203 Adoption

1. The Education Code shall be effective when it is adopted the Tribal Business Council of the Blue Lake Rancheria. Any prior existing codes, ordinances, and resolutions pertaining to education policy and planning by and/or for the Tribe shall be rescinded and of no further force and effect as of the date approval is given unless others noted in this Education Code. Any and all prior existing education rules, regulations, procedures, traditions, and practices, shall be superseded by the contents of this Education Code unless otherwise noted.
2. The language and content of all existing federal and state contracts to provide educational services shall be revised to conform to this Education Code within three hundred and sixty-five (365) days from the date of passage. Thereafter, the Board of Education shall be the only authorized entity to review all contracts and budgets, and propose recommendations for revisions. The Board of Education shall make direct recommendations to the Tribal Council for consideration.

SECTION 1204 Transition Guidelines

1. All Tribal members undergraduate and graduate students attending university, college, professional and postgraduate schools; secondary school students attending academies, preparatory schools, and high schools shall be notified by the Office of Postsecondary Education of the changes in requirements contained in Section [this will be filled in later] within one-hundred and eighty (180) days from the date of adoption of this Education Code.
2. Those students that are designated by the Office of Postsecondary Education at the time of adoption of this Education Code as enrolled undergraduate seniors and juniors shall not be affected by the rules and regulations contained in Section [this will be filled in later] until January 1, 2021. After that date, the rules in [this will be filled in later] shall be applied equally to these students according to their grade level, standing, and grade point average (GPA). This does not apply to any senior or junior who prior to adoption dropped out after the beginning of the semester, was expelled, or failed to enroll after having been approved for funding.
3. Those students that are designated by the Office of Postsecondary Education
4. All persons who, at the time this Education Code goes into effect, hold office under any of the Ordinances repealed by this Education Code, which offices are continued by this Education Code shall continue to hold them according to their former tenure.

5. No action or proceeding commenced before this Education Code takes effect, and no right accrued, is affected by the provisions of this Education Code, but all procedure thereafter taken therein shall conform to the provisions of this Education Code so far as possible.
6. No rights given by any scholarship or stipend under any of the Ordinances repealed by this Education Code are affected by the enactment of this Education Code or by such repeal, but such rights shall hereafter be exercised according to the provisions of this Education Code.
7. All persons who, at the time this Education Code goes into effect, are entitled to a scholarship or stipend under any Ordinances repealed by this Education Code, are thereby entitled to a scholarship or stipend under the provisions of this Education Code so far as the provisions of this Education Code are applicable.