



NCA 10-169

CLASSIFICATION: #18. EDUCATION

A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING CERTAIN SECTIONS OF MCNCA TITLE 18 CHAPTER THREE, ENTITLED "Eufaula Boarding School" AND MCNCA TITLE 37, §2-115 ENTITLED, "Eufaula Boarding School Board of Education" AND AMENDING MCNCA TITLE 18, CHAPTER THREE, SUBCHAPTERS FIVE AND SIX

Be it Enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. FINDINGS. The National Council finds that:

A. The Eufaula Boarding School Board of Education ("Board") was established through the enactment of NCA 92-87 and funded annually through the enactment of NCA 96-75.

B. Due to debt and the loss of gaming revenues, the Nation is approximately \$20,701,185.00 under budget for the FY 2011 period and must find alternative ways to meet this year's budget. Recently NCA 10-155 was passed to divert funds to help fund the budget. However, there will still be a deficit.

C. The Board has been inactive for approximately seven (7) years, yet funds are still appropriated annually; therefore, in the best interest of the Nation, it is necessary to repeal all laws regarding the Board to make those funds available.

SECTION TWO. REPEALER. MCNCA Title 18, Chapter Three, Subchapters 1, 2, 3 and 4 and MCNCA Title 37, §2-115 are hereby repealed.

SECTION THREE. AMENDMENT. MCNCA Title 18, Subchapters 5 and 6 are hereby amended to read as follows:

SUBCHAPTER 5. POWERS AND FUNCTIONS

§ 3-501. ~~Advisory capacity; functions~~

~~The board is responsible to act in an advisory capacity for the following;~~

- ~~A. Establishing or endorsing a philosophy of education for the school;~~
- ~~B. Establishing or endorsing policy relating to all school operations;~~
- ~~C. Monitoring overall school operations including procedures and general administrative direction for the school;~~
- ~~D. Insuring that due process has been maintained in the dismissal of school employees;~~
- ~~E. Establishing hiring procedures that do not conflict with the hiring policies of Creek Nation;~~
- ~~F. Ratifying, rejecting, amending or revising the school's financial plan;~~
- ~~G. Establishing policy for the development of academic standards, finance, personnel, student rights, quarterly/annual reporting, school board training and other policy and standards as needed.~~

§ 3-502. Dormitory Administrator

A. ~~The Dormitory Administrator is the Chief Executive Officer of the Dormitory.~~ The Dormitory Administrator reports to the Director, Division of Human Development for the **Muscogee** Creek Nation. The Dormitory Administrator, with approval from the Director, is responsible **for administrative duties of the Dormitory including** recommending, selection and assignment of employees.

B. ~~Board members will not be involved with day to day administration of school operations nor give directions to school employees.~~ The Dormitory Administrator shall be responsible for school **the operation of the dormitory and supervision of employees** ~~direction except as delegated to the School Board by this chapter.~~

~~§ 3-503. Relationship to the tribal governance~~

~~The board is an entity created by the Creek Nation National Council through enactment of this chapter. At any time, the Creek National Council may dissolve or reconstitute the board by enacting a law for this purpose. Decisions' copies of resolutions and minutes of the school board shall be transmitted to the offices of the Principal Chief and the Creek Nation Council. The board shall confer with the Creek Nation Council in all matters of common concern.~~

~~§ 3-504. Power to enter into contracts; review of actions taken by board~~

~~The Principal Chief of the Creek Nation is vested with the sole power to enter into contracts on behalf of the Eufaula Boarding School and, as Principal Executive Officer for the Creek Government, shall have review over the Eufaula Boarding School's records, recommendations, resolutions, and other actions.~~

SUBCHAPTER 6. MISCELLANEOUS

~~§3-601. Savings clause~~

In the event that any portion of this eChapter violates federal law or Tribal Law, the portions not in violation shall remain valid and in effect.


~~§3-602. Amendments~~

~~This chapter may be amended by majority vote of the Creek National Council at any time and in accordance with Council procedures, and provided, that the Board with a prescribed Chief have been notified of the pending amendment and the input of the Chief and the School Board has been solicited.~~

SECTION FOUR. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this **25th** day of **September** **2010.**

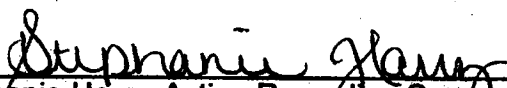
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Roger Barnett, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION


I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with **Twenty-Three** members attending this meeting on the **25th** day of **September 2010**, and that the above is in conformity with the provisions therein adopted by a vote of **21** in favor, **0** against, **1** abstention, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Stephanie Harry, Acting Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 7 day of oct, 2010, to the above Law, **NCA 10-169** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



A. D. Ellis, Principal Chief
Muscogee (Creek) Nation

