

BY-LAWS Of
JOHNSON O'MALLEY (JOM) PARENT COMMITTEE
Of
McAlester Public Schools
McAlester, OK
August 20th, 2025

MISSION STATEMENT

Striving to achieve a better tomorrow, while preserving our native traditions.

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 of the Committee:

The name of this organization shall be the Johnson O'Malley (JOM) Parent Committee of McAlester Public Schools.

ARTICLE III

Purpose of the committee:

The establishment and work of the Parent Committee is to comply with the rules and regulations as found in the Federal Register, Vol. 40, No. 213, Tuesday, Nov. 4, 1975. (Refer to 25 CFR Indians Sec. 273.16, Powers and duties of the Indian Education Committee and Sec. 273.17, Programs approved by the Johnson O'Malley Indian Education Committee to complete the purposes.

The Johnson O'Malley (JOM) Parent Committee of the McAlester Public Schools is formed as a nonprofit, educational organization to serve the following purposes:

A. To promote the welfare of Indian children and youth in home, school, community and tribe.

B. To raise the standards of school achievement of Indian children. C. To bring into closer relationship the home and the school so that parents and teachers may cooperate intelligently in the education of Indian children and youth.

ARTICLE IV

Membership:

Section 1: Establishment of the Indian Education Committee Participate fully in the planning, development, implementation, and evaluation of all programs, including both supplemental and operational support, conducted under a contract or contracts pursuant to this part. Such participation shall include further authority to:

A. According to Sub-Part A, Sec. 273.15 of the Nov. 4, 1975 regulations and Indian Education Committee is to be elected from the parents/legal guardians (including persons acting 'in loco parentis')

B. The Indian Education Committee shall be composed of 5 members. Comprised of the Chairperson, Vice chair, secretary and two at-large members.

C. All IEC members must have formal authorization by action (motion recorded in minutes) to represent or speak on behalf of the TEC.

Section 2. Election of the 5 Members of the IEC

A. New members are elected in an open meeting for a term of two years by a majority vote of parents/ legal guardians of eligible Indian students in attendance at McAlester Public School.

B. Two members are elected in odd calendar years and three members elected in even calendar years.

C. Membership in the Indian Education Committee cannot be transferred. D.

Members may run for an additional, two-year term if reelected by the community. E.

The IEC elections are to elect the IEC members and not an election of officers.

Officers are to be elected by the IEC members themselves at their first re organizational meetings.

Section 3. Annual Elections/community voting rights

A. The Annual Election meeting shall be held between August 15th and September 30th, or a date determined by the IEC.

B. Nominations for new IEC members shall be taken from the floor by an eligible voter at the first Annual meeting.

C. Individual votes shall be cast by secret ballot and tallied visibly so that all in attendance will know the results.

D. The IEC Chairperson or designee shall act as the election judge for the Annual meeting.

E. The IEC will also have the option of having the election judge preside over the election of

Officers at the first official meeting of the new Indian Education Committee F. McAlester Public School staff may vote as long as they are a parent, legal guardians (including persons acting "in loco parentis") of eligible Indian students in attendance at McAlester Public School, but will not be able to make nominations.

Section 4. Election Voting Procedures

A. Election procedures: The McAlester Public School JOM Parent Committee is made up of 5 parents or legal guardians of eligible JOM students.

B. Eligibility to run for the IEC: According the Federal Regulations- Subpart a, Section 273.15 "the Indian Education Committee is to be elected for the parents, legal guardians (including persons acting "in loco parentis) except school officials of the eligible Indian student on the schools affected by the subcontract under this part." To avoid conflict of interest or give the appearance of a conflict of interest, school officials, staff or their spouses, persons directly involved in oversight of the name of the McAlester Public School JOM Program should not be eligible to serve as committee members.

C. Nominations at the Annual Meeting:

D. Nominations for new members shall be taken from the floor at the Annual meeting.

1) The Nominator must be an eligible JOM parent or guardian.

2) Votes shall be cast by secret ballot and tallied by the election judge

- 3) Each person nominated will have an opportunity to give up to a 3-minute speech explaining why they want to serve on the committee.
- 4) What are the responsibilities of an IEC member:

1. Attend scheduled meetings

2. Assist other IEC members in planning, evaluation, and implementing program and special events.

Section 5. Voting Rights - for IEC meetings

A. Each member of the IEC 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. An IEC member may abstain only from a conflict of interest that is determined valid by the chairperson. If there is no conflict, the IEC member must cast a vote.

Section 6. Termination of Membership

A. Any IEC member may resign by giving a written resignation to the parent committee.

B. An IEC member shall be automatically removed from membership on the Indian Education Committee for the following reasons:

- a. The member does not attend any regular or special meetings of the committee for 2 consecutive meetings.
- b. The child of the member is no longer enrolled in the McAlester Public School district.
- c. For action or behavior that brings discredit to the McAlester Public School IEC/JOMProgram.
- d. A recall petition towards an IEC member signed by 5_10M parents shall call for action of removal if just cause has been cited and that the IEC member has been given warning of such action.

Section 7. Vacancies

- A. IEC shall appoint an eligible parent for an available position.
- B. The new member will only serve the remaining time of the vacancy.
- C. If the new member replaces an IEC officer, that officer position does not transfer to the new member.
- D. The newly elected IEC member will only serve only for the unexpired portion of the term of the vacancy left by the IEC member.
- E. An election among the IEC members shall be held to replace the officer whose position has become vacant.

Section 8. Powers and Duties

- A. Recommend curriculum, including texts, materials and teaching methods to be used in the contract programs
- B. Approve budget preparation and execution
- C. Recommend criteria for employment in the program
- D. Nominate qualified prospective staff members from which School District and IEC would select for interview and review for hire.
- E. Evaluate job positions and program results and make recommendations to the School District Administration.
- F. Secure and have available a copy of the sub-contract application on file.
- G. Recommend cancellation or suspension of approved program if the McAlester School District fails to permit the committee to exercise powers and duties.
- H. The organizational papers and by-laws of the Indian Education Committee may include additional powers and duties which would permit the Committee:
 - a. Participate in negotiations concerning all contracts under the is part.
 - b. Make an assessment of the learning needs of Indian children in the community affected.
 - c. Have access to all reports, evaluations, surveys and other program and budget related documents determined necessary by the Committee to carry out its responsibilities, subject only to provisions of 273.49.
 - d. Request periodic reports and evaluations regarding the Indian Education program. (Staff reports)
 - e. Hear grievances related to programs in the education plan.

- f. Meet with the McAlester Public School JOM staff serving the Indian children and with local education agencies.
- g. Hold committee meetings on a regular basis which are open to the public.
- h. Review and approve the Annual Program Report.
- i. Have such additional powers as are consistent with these regulations?

ARTICLE V Officers

The officers of the Indian Education Committee shall be a chairperson, vice-chair and secretary. Other officers may be appointed as the committee elects.

Section I. Election, Terms of Office and Officers selection

The Indian Education Committee shall be elected by a majority vote at the annual committee election August 15 to September 30, the committee members shall serve for two years.

A. Nomination from floor by an eligible JOM parent I guardian

B. Individual ballots

C. Ballots counted individually in a visible manner.

D. Newly elected IEC members shall take their positions as IEC members, at the first official meeting of the new Indian Education Committee

E. The current IEC members shall maintain their positions as the IEC until the completion of the Annual Election Meeting. The presiding Chairperson shall call the first official meeting of the new IEC members.

F. Officers (Chair, Vice chair and Secretary) shall be elected by the IEC at the first official meeting of the new Indian Education Committee. This will be considered an organizational meeting.

G. Each officer of the IEC shall hold their office from annual meeting to annual meeting.

Section 2. Officer Vacancies

A vacancy of an officer of the Indian Education Committee during the year may be filled

by the IEC members appointing a new member by being present at a regular/special meeting. The newly appointed 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.

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 IEC 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 Indian Education Committee from time to time. The chairperson shall act on behalf of the IEC, by recorded by motion, of the IEC.

Specific duties are:

1. To preside over all general meetings
2. Prepare the meeting agendas in conjunction with the JOM Coordinator.
3. Sign on behalf of the IEC, all letters, reports and other committee documents as required with authority given by the IEC to do so.
4. Distribute to the IEC prior to the meetings the following:
 - a. The agenda
 - b. The minutes of the previous committee meeting prepared by the Secretary
 - c. Staff reports
 - d. Financial reports.
5. Shall perform such other duties as needed.

B. Vice-Chairperson

The vice-chairperson shall:

1. Assume the role of the chairperson in his/her absence.
2. Ensure that membership on the Indian Education Committee is consistent with the federal regulations
3. Arrange for speakers and special programs.
4. Shall perform such other duties as may be prescribed by the committee from time to time.

C. Secretary

The Secretary shall:

1. Keep the minutes of the regular, special and emergency meetings. 2. Shall provide minutes to the committee and to such other persons the committee may indicate.
3. He/She shall see that all notices are given in accordance with the provisions of these by-laws.
4. Be custodian of the committee's records.
5. Keep a list of the address and telephone numbers of each committee member. 6. The secretary shall perform other such duties as prescribed by the Indian Education Committee from time to time.

D. Members At-Large

1. To be present at scheduled meetings
2. To participate fully in the IEC meetings
3. Perform other such duties as prescribed by the IEC from time to time.

ARTICLE VI

Meetings

The Indian Education Committee shall meet not less than Quarterly including 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. The IEC 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 IEC meeting shall be a date determined by the IEC. The meetings will be held bi- monthly on the date and time specified by the parent committee.

B. Notice of the regular meetings shall be published in the local newspaper, McAlester School Website, McAlester Lucy Smith Building Door stating the date, hours and location of the meeting.

C. IEC meeting packets shall be emailed to each member not less than 5 days prior to each meeting. The Monthly packets shall include:

1. The Agenda
2. Copy of the last IEC meeting minutes
3. Staff Reports
4. Financial Reports

Section 2.

Special Meeting

Special meetings of the IEC may be called by the Chairperson or by a majority vote of the committee. All IEC members shall be given a two-day notice by telephone or email of the special meeting. The IEC 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.

Section 3.

Informal meetings of the IEC

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

Section 4.

Executive Session meeting (no minutes or recording are to be made in this session)

The participants of an executive session are not to discuss or disclose the issues made known in the executive session. An executive session may be called by any two members of the IEC, before or during a regular IEC meeting. To qualify for an executive session, the issue must be one of the following:

- A. Personnel manners
- B. Misconduct of an IEC member
- C. Dealing with sensitive issues pertaining to program
- D. Once out of session a formal motion of action must be brought up at the regular meeting. (Table, vote up or down on an issue)

Section 5.

Quorum

The presence of 2 of the committee shall be required to constitute a quorum necessary for the transaction of the business of the Indian Education Committee. No decision of the committee shall be valid unless there is a majority vote of the members constituting a quorum. (The number needed for a quorum may be any number, as long as it is stated in the by-laws. The IEC members once agree on the number for a quorum must remember that if an action is taken and they are not present to vote, they give up that opportunity to do so by the number they establish as a quorum).

Section 6. Agenda

A. The agenda for each meeting shall be prepared by the chairperson. Individual members of the Indian Education Committee are encouraged to submit agenda items for the 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 chairperson at least 5 days prior to the regular meeting date.

C. In accordance with the Oklahoma Open Meeting Act an agenda must be posted at the place of the regular meeting at least 24 hours in advance of the meeting.

ARTICLE VII

Parliamentary Authority

The McAlester Public School JOM Indian Education 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 majority vote of the members of the IEC in attendance. Provided that the amendment is to carry out the purpose and objectives of the parent committee as cited in Article III, sections 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

Grievance Procedure

Grievance procedures for complaints from McAlester Public School 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 Indian Education Committee for investigative review and action.

A. Upon receipt of a written complaint, the IEC shall, within 15 working days, make an investigation document and submit its findings to the complainant. If the complaint cannot be resolved with the specified time, the Indian Education Committee may request additional time from the complainant.

B. If the complaint cannot be resolved by the Indian Education Committee to the satisfaction of the complainant, the IEC shall forward the complaint with all investigative documents, findings, and /or recommendations to the School District Administration.

Section 2. The School District Administrator shall proceed as follows:

A. Schedule a meeting with the IEC Chairperson within-10-working days after-a complaint has been received.

B. A grievance committee consisting of: The School Administrator, IEC Chairperson and an IEC member, (or any number office members) will review the complaint, investigative documents, findings, and /or recommendations.

C. Within 10 working days of this meeting, the School Administrator will contact the complainant to review the grievance committee disposition in resolving the complaint.

ARTICLE X

Ratification

These By-Laws shall be declared adopted by the Indian Education Committee when passed by majority of the full membership of the committee, at a general meeting of the committee.

These By-Laws were amended and approved by the McAlester Public School JOM Parent Committee at a regular meeting held on **August 21, 2024**.

McAlester JOM parent committee Chairperson Date

McAlester JOM parent committee Vice Chairperson Date

McAlester JOM parent committee Secretary Date

McAlester JOM parent committee member Date

McAlester JOM parent committee member Date

McAlester Public Schools Superintendent Date

The signatures may include all the IEC members, the Chairperson and School district Representative or a limited number of IEC members. The bylaws must be signed and dated to be valid. Minutes of the IEC meeting where the minutes were approved must also be submitted along with the by-laws to show that the IEC voted to approve.

Definition of "in loco parentis"

This definition is provided so that tribes would have the option to allow grandparents, and other extended family members who are raising their grandchildren, nieces and nephews the opportunity to serve on the JOM parent committee. Within the Indian

communities it is unlikely that extended family members have legal custody (court documentation) of the children they provide 24-hour care for. This definition is provided to offer the JOM program the ability to include those extended family members, who are the primary caregivers, the responsibility to be involved in the education of their grandchildren. In loco parentis is a Latin phrase defined as: "in the place of a parent" 'The English language definition is: "Acting as a temporary guardian of a child." (Black's Law Dictionary). Johnson-O'Malley Indian Education Committee members, who are exercising in loco parentis, should also have daily responsibility for a student's health, safety and welfare.

PARENT-The term parent includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with who the child lives, or a person who is legally responsible for the child's welfare).

The term "in loco parentis, according to is generally accepted common law meaning, refers to a person who has put himself in the situation of a lawful parent by assuming the obligations incident to the parental relation without going through the formalities necessary to legal adoption. It embodies the two ideas of assuming parental status and discharging the parental duties. The key in determining whether the relationship is the intention of the person allegedly in loco parentis to assume the status a parent toward the child. The intent to assume such parental status can be inferred from the acts of the parties. Other factors which are considered in determining whether in loco parentis status has been assumed are (1) the age of the child; (2) the degree to which the child is dependant on the person claiming to be standing in loco parentis; (3) the amount of support, if any, provided; and (4) the extent to which duties commonly associated with parenthood are exercised....

The definitions of the term "in loco parentis" are often context specific, and no court-or regulation- has defined the term exhaustively. The presence of a biological parent in the home may foreclose another from holding the status of "in loco parentis."