



**Chief Tahgee Elementary Academy
Board of Directors
Special Meeting
August 31, 2018 Minutes**

Meeting Details-Agenda

In accordance with **Title 33, Chapter 5, Idaho Code**. Special board meetings are required to be held in public. Although the public is invited to attend special meetings, they are not open for public comment, unless directed by the Board to do so.

Today's special meeting of the Board of Directors is not open to public comment.

- I. Call to Order
- II. Roll Call
- III. Board discussion with Jeanette Wolfley, Attorney:
 - 1. Changing Open Meeting Law
 - 2. Building on Trust Land
 - 3. Tribal vs. State Law Governing CTEA
 - 4. Intellectual Properties Distribution
 - 5. Memorandum of Agreement with Shoshone-Bannock Tribes
- IV. Adjourn

I. Call Meeting to Order

Ms. Velda Racehorse, Chairperson called to order the scheduled special meeting of the Chief Tahgee Elementary Board of Directors at 9:04 AM on August 31, 2018 at the Academy. A Quorum was present.

II. Roll Call

The following were present: Velda Racehorse, Chair, Leslie St. Clair, Vice-Chair, Belma Colter, Treasurer, Merceline Boyer, Member, Shoshawna Covington, Member, Sherice Gould, Clerk, and Joel Weaver, Director of School Programs.

- Nancy Eschief Murillo arrived at 9:05 A.M. and Dr. Bev Klug, Ex-Officio arrived at 9:10 A.M.
- Maxine Edmo, Member had an excused absence for this meeting.
- Jeanette Wolfley, Attorney was present to attend the meeting.
- Louise Dixey, Director Language and Cultural Preservation Department with the Shoshone-Bannock Tribes arrived at 10:30 A.M.

III. **Board Discussion with Jeanette Wolfley, Attorney.**

1. Changing Open Meeting Law

Board Director Chair Racehorse: “When all these issues came up, well what can we do? We are so used to being flexible in dealing with issues, to talk openly both in private and in public. This (sic) the open meeting law, restricts us in what we do, how we run our meetings and what we do outside of the building. In our community we talk to one another all the time and we can’t do that anymore in relation to the school.”

Board Director Secretary Eschief Murillo: “You can’t reflect on the possibility that you might be talking about school board activities when two people are meeting or more.”

Advice from Attorney Wolfley: Yes, well it also says that if there is a quorum and that what you are talking about is eventually going to lead to a vote on that particular issue. I think you can talk about general things as long as you’re not trying to influence or deliberate on what will lead to something that will eventually be on your agenda that you’re going to vote on. You can talk about issues but not about things that you are eventually going to be voted on. That’s what is not okay under the law but if you’re just talking generally about things as long as it’s not influencing someone.

Board Director Eschief Murillo: “Doesn’t it also say that you cannot have the appearance of ...”

Board Director Boyer: “But it sounded like you couldn’t even talk if two Board members started to talk about school. That’s what it sounds like to me.”

Advice from Attorney Wolfley: “I don’t think it’s that restrictive, just as long as you are not talking about a specific issue that is going to be on the agenda that you are going to vote on.”

Board Director Eschief Murillo: “Another thing is on the agenda it has a public forum comment and if parents want to come in and they do have a complaint, we were told that we couldn’t hear them, then it changed to that we could hear them but that you can’t take any action on it. And that is the thing that I was, all the board members were saying that we don’t just not talk with our people, shut them off and throw them out without saying anything. I thought that we should change

the open meeting law to have a cultural diversity section where we can meet with them, hear them out and not just not hearing them and booting them out. Changing the law, I guess.”

Advice from Attorney Wolfley: Yes, there would have to be a change in the law, an exception. Unfortunately, under the open meeting law since you are a state entity, a state charter school incorporated under the state law then you have to follow state law. There are always restrictions under state law that are so different than would be under tribal law and tribal protocol of how you do things... State law is what applies.”

Board Director Eschief Murillo: So with regards to changing the law, is that going to be considered lobbying?”

Advice from Attorney Wolfley: “You’d have to get someone to sponsor a bill. Lobby in this area, go to someone to sponsor a bill.” Is a charter school prohibited from lobbying?”

Director of School Programs Weaver: “Yes, as a non-profit entity.”

Advice from Attorney Wolfley:”But, you should be able to go to your state legislators and say that you want them to pass this bill for you.”

Board Director Eschief Murillo: “What about a rule change? Couldn’t we just go to the Charter school folks and just do a rule change?”

Advice from Attorney Wolfley: “If you do a rule change at the Department of Education level, it would have to be across the board...”

Board Director Chair Racehorse: “So you’re advice to us to change the open meeting law is to go through the state legislature to get it changed, do we go through them or through the state department of education? ...Because a lot of times they (sic) the parents want to meet with the Board directly.”

Director of School Programs Weaver: “The school network (sic) Idaho School Board Association, Emily McClure is the lobbyist, which is the same as for the tribes, so she would be a good person to approach”

Advice from Attorney Wolfley: “When I first started out the tribe said that I could help out, but now they are a state entity. Don’t they have their own attorneys through the education system? Because if you are our legal counsel you have to watch out for a conflict of interest. Just to let you know.”

Board Director Treasurer Colter: “At some point maybe the tribe might want to take over the school...”

Board Director Chair Racehorse: “...so we need to remove your name from the letterhead...”

Advice from Attorney Wolfley: “Yes, and maybe you should meet with the network and propose some legislation to them for some changes you might want to make.”

2. Building on Trust Land

Board Director Secretary Eschief Murillo: “At some point in time we are going to build on trust land...”

Director of School Programs Weaver: “What the lending institution wants is to have in writing that if we go belly up, the tribes will take over the responsibility for the loan. When Steve Hagler was over finance, he stated that they already put in \$150,000 per year, and that we would have to get a resolution from the council stating that they would back the loan.”

Advice from Attorney Wolfley: “So you are anticipating that the building would be on tribal trust land? ... The building would revert to the Shoshone-Bannock Tribes if an unforeseen closure was to occur once it is built on tribal trust lands.”

3. Tribal vs. State Law Governing CTEA

If we were to be in violation of the open meeting law, who would have jurisdiction over CTEA?

Advice from Attorney Wolfley: “There were two cases where a non-tribal member and a tribal member were terminated from the schools, one out of Arizona and one out of Montana. The question came up as to who had jurisdiction because they were both state schools... the ruling was that the state had jurisdiction. There is an argument that CTEA is located on trust property although CTEA is a state of Idaho governed school. But it would be an interesting case because there is an argument on both sides.”

4. Intellectual Properties Distribution

Board Director Eschief Murillo: “Where does the intellectual properties fall, if we were to close?”

Advice from Attorney Wolfley: “All intellectual properties created or utilized at CTEA would revert to the Shoshone-Bannock Tribes. It would be in the best interest to amend and modify the Memorandum of Agreement between the Shoshone-Bannock Tribes, Language and Cultural Preservation Department and Chief Tahgee Elementary Academy to include the distribution of Intellectual Properties both now and if CTEA had an unforeseen closure.”

Discussion with Louise Dixey, Director Language and Cultural Preservation Department with the Shoshone-Bannock Tribes ensued and the concern is that any of the curriculum would go to the tribes and not to the State of Idaho.

Director of Language and Cultural Preservation Dixey: “We are working on an Intellectual and Cultural Properties Ordinance... we want to ensure that the

language isn't commercialized or used for personal gain, because we have a distinct dialect here...we want to protect it... it would be an infringement on the tribal ownership of the language, so how it is used is of concern to the tribe as a whole...maybe the education ordinance can be amended, because it doesn't address charter schools."

Advice from Attorney Wolfley: "So the concern is that, for instance, if the school or the charter is dissolved that they don't want any of the curriculum that is developed to be used...with concern of the memorandum of agreement, maybe a response to the memo from language and culture from Velda or the Board to confirm the commitment, that we (CTEA) are well aware of the law of the tribes and the issues surrounding the language will be upheld."

Discussion from the Board made comments to amend the language of the memorandum such as the name of CTEA, Inc. as including grades K-8.

IV. Adjournment

Director Eschief Murillo motioned to adjourn the meeting. Director St. Clair seconded the motion. Director Racehorse, Chair adjourned the meeting at 12:08 P.M.

Next Regular Meeting

- Date and Time: September 18, 2018 5:30 p.m.
- Location: 34 South Hiline Road, Special Education Room

Submitted by:

Sherice Gould

Sherice Gould, Clerk

September 18, 2018

Date