

**TITLE 8 – REGULATORY CODE
PART VIII – EDUCATION
CHAPTER 8-1 EDUCATION CODE**

TABLE OF CONTENTS

SUBCHAPTER A GENERAL PROVISIONS

Section 10	Authority	1
Section 20	Policy	1
Section 30	Applicability.....	3
Section 40	Sovereign Immunity Unaffected.....	4

SUBCHAPTER B DEFINITIONS

Section 50	Definitions.....	4
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SUBCHAPTER C SCHOOL FACILITIES AND OPERATIONS

Section 60	Construction.....	5
Section 70	Accommodation	6
Section 80	Safety	6
Section 90	Counseling Services.....	6
Section 100	Personnel	6

SUBCHAPTER D EDUCATION STANDARDS

Section 110	Content Standards	7
Section 120	Gifted and Exceptional Education	8
Section 130	Early Childhood Programs.....	9

SUBCHAPTER E PROFESSIONAL TRAINING FOR EDUCATORS

Section 140	Development and Training	9
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SUBCHAPTER F GOVERNING SCHOOL BOARD

Section 150	Establishment.....	9
Section 160	Operation.....	10

SUBCHAPTER G EDUCATION DEPARTMENT OVERSIGHT

Section 170	Authority	11
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SUBCHAPTER H STUDENT CODE OF CONDUCT

Section 180	Requirements	12
-------------	--------------------	----

SUBCHAPTER I PARENTAL INVOLVEMENT

Section 190	Parental Involvement	12
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SUBCHAPTER J COMMUNITY CULTURAL STANDARDS COMMITTEE

Section 200	Establishment.....	12
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SUBCHAPTER K ENFORCEMENT

Section 210	Jurisdiction.....	13
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SUBCHAPTER A GENERAL PROVISIONS

Section 10 Authority (8 PYTC §8-1-10)

- (A) The Tribe has an inherent right to exercise its responsibility to its Members for their education by prescribing and implementing educational policies applicable to all schools within the Reservation and all educational programs receiving significant funding for the education of Yaqui youth or adults. At the same time, the Tribe recognizes the legitimate authority of the actual education provider, whether state, federal, community controlled or private. The Tribe commits itself, whenever possible, to work cooperatively with all education providers serving Yaqui youth or adults or with responsibilities for serving Yaqui students to assure the achievement of the educational goals of the Tribe established through these policies and in other applicable laws of the Tribe.
- (B) The Tribe specifically claims for its members and relies upon the responsibility of the government of the United States to provide for the education of the Yaqui people, based upon the trust responsibility of the federal government toward Indian tribes. The Yaqui people also claim and rely upon their rights as citizens of the states within which they reside to a non-discriminatory public education. In exercising its responsibility and authority for the education of its Members, the Tribe does not sanction or bring about any abrogation of the rights of the Tribe or the Yaqui people based upon trust or citizenship, nor does it diminish the obligation of the federal government or of any state or local political subdivision of a state.
- (C) The laws and policies of the Tribe are applicable to the maximum extent of the Tribe's jurisdiction in the operation of all local schools.
- (D) All educational programs in operation on the Reservation will meet the requirements of the Tribe's educational laws.
- (E) The Education Department, through its duly appointed Director, is authorized and directed to draft and implement the rules and regulations necessary to effectuate the provisions of this Chapter; provided that such rules and regulations are subject to review by the Tribal Council upon request.

Section 20 Policy (8 PYTC §8-1-20)

- (A) The Tribe's human resource is its most valuable resource. The Tribe, as a sovereign nation, has a responsibility to its people to oversee their education in whatever schools or school

systems they are being educated, to assure that their education provides excellence in the academic program and high, realistic expectations for all students. An appropriate education for Yaqui individuals is one that fosters:

- (1) The formulation of age, grade and/or developmentally appropriate competencies in all basic areas of academic and cognitive skills;
 - (2) Competence in English language skills and knowledge of American culture;
 - (3) Competence in Yaqui language skills and knowledge of Yaqui culture;
 - (4) The development of Pascua Yaqui and United States citizenship;
 - (5) Self-discipline and a positive self-concept;
 - (6) Preparation for lifetime responsibilities in the areas of employment, family life, recreation and use of leisure; and
 - (7) An attitude toward education which encourages lifetime learning.
- (B) It shall be the policy of the Tribe that any agency, organization, or group proposing and planning a new school facility, expansion or change over of an existing facility, a change in school site, a transfer from Bureau to public school operation, a change from boarding school to day school operation, establishment or changes of bus routes, or any other change in educational policy or operation, which may affect the lives of local citizens, shall consult with the Tribe for full discussion of such proposed changes. Further, any agency, organization, or group proposing such changes shall consult and discuss such plans with appropriate Bureau of Indian Affairs' staff, with the people of the communities to be affected, either directly or indirectly, with local school boards, and with the Education Department.

Section 30 Applicability (8 PYTC §8-1-30)

- (A) The provisions of this Chapter shall apply to:
- (1) All persons on the Reservation, without exception, including Members, all non-member Indians, all non-Indians, and any other person as defined herein, including businesses and enterprises; and
 - (2) All persons who enter into a business relationship with the Tribe or its members through activities such as commercial dealings, contracts, leases, and other arrangements.
- (B) Any person who is on the Reservation, whether on trust or non-trust lands, is subject to, and must comply with this Chapter and any rules and regulations promulgated hereunder. All such persons shall be deemed to have consented to the civil jurisdiction of the Tribe, and shall be subject to civil prosecution, civil penalties, civil damages, or any other civil remedies imposed for any violations of this Chapter. All such persons shall also be subject to the criminal jurisdiction of the Tribe to the fullest extent permitted by law.

Section 40 Sovereign Immunity Unaffected (8 PYTC §8-1-40)

- (A) Nothing in this Chapter shall be construed as or is intended to be a waiver or modification of the Tribe's sovereign immunity or consent by the Tribe to jurisdiction or suit against it.
- (B) The Tribe, the Tribal Council and its members; and all other Tribal officers, employees, representatives, or agents thereof, who are performing their duties by implementing or enforcing this Chapter are immune from suit for monetary damages in any court of law for their action or inaction related to such implementation or enforcement, and they do not waive any of their sovereign rights or immunities, executive privileges or rights to privacy or confidentiality.

SUBCHAPTER B DEFINITIONS

Section 50 Definitions (8 PYTC §8-1-50)

- (A) "Career Education" consists of efforts aimed at focusing education and supportive actions of the community in ways that will help individuals acquire and utilize the knowledge, skills and attitudes necessary for each to make work a meaningful, productive and satisfying part of his or her way of living. Career Education is not taught as a separate school subject. Rather, it is integrated into all subject areas at all levels, using activities that encourage students to acquire basic skills and make career decisions based upon what they learn about themselves and the world of work.
- (B) "Cognitive Skills" are skills involved in the process of knowing, in the broadest sense, including perception, memory, judgment, analysis, conception, deduction, induction and thinking.
- (C) "Community Cultural Standards Committee" means the group of individuals, constituted in accordance with this Chapter, whose purpose is to ensure that Yaqui language, culture, and history remain embedded in the design and implementation of curriculum in all educational programs located within the Reservation or serving significant numbers of Yaqui students.
- (D) "Congruent Curriculum" means a curriculum which is planned, ongoing and systematic; in which goals and objectives are clearly articulated; which brings about a match among (1) what the teacher teaches, (2) what should be taught, and (3) what students actually learn; and which reflects excellence.
- (E) "Culture" means a set of shared patterns of behavior developed by a group of people in response to the requirements of survival. These sets include: established patterns of relationships (interpersonal and kinship); values (behavior, material possessions, individual characteristics, attitudes); language; technology, acquisition and use of knowledge; planning for the future; governing structure; education; economics; and spiritual relationships.

- (F) "Early Childhood Programs" are those developmental and educational programs operated for children at the preschool level. The term can include kindergarten programs that are operated independently of and apart from any local school.
- (G) "Education Department" means the Pascua Yaqui Education Department.
- (H) "Indian Preference" means that preference is given to a Native American applicant who is equally qualified as one or more non-Indian applicants for a given position.
- (I) "Member" means an individual Indian who is enrolled in the Pascua Yaqui Tribe.
- (J) "Pascua Yaqui Preference" or "Yaqui Preference" means that in the recruitment, employment, retention and promotion of personnel, preference is given to an applicant who is an enrolled member of the Pascua Yaqui Tribe and who is equally qualified as one or more non-Yaqui for a given position. Yaqui preference may mean Indian Preference where such an interpretation is mandated by applicable state, federal or contract requirements.
- (K) "Reservation" means the Pascua Yaqui Tribe Reservation established pursuant to the Act of September 18, 1978 (Public Law 95-375; 92 Stat. 712) and includes all lands of any kind within the exterior boundaries of the Reservation, all lands outside such boundaries held in trust for the Tribe or any of its members by the United States.
- (L) A "School" is a place or institution for teaching and learning. "School" shall not mean "Early Childhood Programs" unless otherwise specified in this Chapter.
- (M) "Tribal Council" means the Pascua Yaqui Tribal Council.
- (N) "Tribe" means the Pascua Yaqui Tribe.

SUBCHAPTER C SCHOOL FACILITIES AND OPERATIONS

Section 60 Construction (8 PYTC §8-1-60)

- (A) All educational programs located within the Reservation or serving significant numbers of Yaqui students shall be housed in facilities that are accessible, appropriate to the purposes for which they are used, and maintained in good repair.
- (B) The Education Department is authorized to recommend to the appropriate oversight committee(s) of the Tribal Council, the recommended site locations on the Reservation for any educational facility, including schoolhouses or buildings, residential facilities, teacher and faculty quarters including areas sufficient for power and light, gas, sewers and other necessary facilities. All educational facilities constructed on the Reservation or for the education of Yaqui students shall be constructed in compliance with the laws of the Tribe.
- (C) In planning for the construction of any new educational facility, consideration shall be given to the development of an appropriate physical environment including but not limited to considerations of location, size, alternate use, and the extent to which the proposed

facility will benefit unserved and inappropriately served populations, including students required to travel daily on the bus for an excessive amount of time.

- (D) In every instance and to the fullest extent possible, the Education Department shall work closely with all relevant education providers and governmental entities on the size and location of all educational facilities to be constructed for Yaqui students in order that maximum benefit can be obtained from them by the students.

Section 70 Accommodation (8 PYTC §8-1-70)

All schools within the Reservation shall make reasonable accommodation to the special needs of persons with disabilities, including the need for site accessibility, in regard to employment, transportation, recreation, and educational and training opportunities, and assure the availability of these services on an equitable basis.

Section 80 Safety (8 PYTC §8-1-80)

Adequate bus transportation systems for students may be established. Any Governing School Board policy governing the transportation of students shall meet or exceed all applicable tribal, state and federal safety regulations.

Section 90 Counseling Services (8 PYTC §8-1-90)

- (A) All schools serving the Tribe shall maintain competent, appropriately staffed counseling programs. Counseling staff shall have an awareness of Yaqui culture and tradition, particularly as these relate to the individual needs and life circumstances of the students. The counseling program shall be concerned with the physical, cultural, intellectual, vocational and emotional growth of each student.
- (B) All schools serving the Tribe shall discourage the utilization and consumption of drugs and alcoholic beverages through relevant academic or preventive guidance programs for all Yaqui youth. Schools along with other community resources shall encourage a positive self-concept, provide factual information and encourage personal responsibility. Schools shall work with other community service providers to seek and develop programs and resources to assist students addicted to the use of alcohol and other mind-altering substances so that they may fully participate in the school program.

Section 100 Personnel (8 PYTC §8-1-100)

- (A) The ultimate goal of the Tribe is self-determination. In order to assure the survival and growth of the Yaqui as a people of distinct language and culture and with a domestic economic base, the Tribe requires Pascua Yaqui preference in employment of school and educational personnel in all schools within the Reservation. In addition, whenever application of the Pascua Yaqui preference policy does not result in the selection of a Pascua Yaqui applicant or candidate, a policy of Indian preference shall be applied to the remaining applicants or candidates. The Governing School Board and education administrators responsible for hiring shall comply with the requirements of this policy in regard to the recruitment, employment, promotion and retention of all personnel.

- (B) All schools and school systems operating within the Reservation shall seek the professional services of competent Yaqui educators, counselors, administrators, and support personnel to adequately serve the linguistically and culturally unique children of the Yaqui people. In addition, all affected schools shall give preference to Yaqui personnel in providing professional training opportunities, subject to the needs of the schools to obtain specialized training opportunities for staff serving particular functions. In seeking educational and support personnel, schools shall include within the position description, as a preferred qualification, a knowledge and familiarity with the Yaqui language, culture and people.

SUBCHAPTER D EDUCATION STANDARDS

Section 110 Content Standards (8 PYTC §8-1-110)

- (A) The Tribe shall identify the need for appropriate educational standards in various subject areas and shall develop educational standards to assure the provision of a high-quality education for Yaqui students in all schools serving the Tribe. These standards shall in no way limit the freedom of local school systems to exceed these requirements.
- (B) The Education Department shall coordinate with other governmental entities and education providers in designing and implementing educational standards appropriate to the various schools and school systems. The Education Department shall consider the requirements of applicable state and federal laws and the concerns of education managers, parents, community members, and teachers in the development of educational standards. Yaqui educational standards shall avoid actual conflict with the requirements of state and federal or private accrediting entities having jurisdiction over the schools unless there is no practical means of implementing Yaqui educational policies without such conflict or unless the conflict is permitted by the external law.
- (C) In implementing this Subchapter, the Education Department shall act with the approval of the Education Oversight Committee of the Tribal Council to establish a procedure to adopt proposed standards and/or amend existing standards and present subsequent proposed resolutions to the Tribal Council.
- (D) Each school serving the Tribe shall have a written, congruent curriculum which contains clearly articulated instructional goals and objectives. The curriculum of each school shall be based on the needs of the students served. The culture, values, and individual interests of the Yaqui students shall be recognized and integrated into all curricula. The curriculum should include career education and should provide all students with opportunities to broaden their interests and career objectives and promote personal and intellectual growth appropriate to their individual differences.
- (E) The instructional program shall reflect the special needs of students and yet be flexible enough to allow any modifications necessary to accommodate the need of students to acquire full knowledge of basic skills, including but not limited to science, computer science, mathematics, social studies, reading, writing, language skills and cognitive skills. Special programs shall be available for gifted and exceptional education students and for students requiring remedial instruction.

- (F) The survival of the Tribe as a unique group of people growing and developing socially, educationally, economically and politically within the larger American Nation requires that the Yaqui People retain and/or develop an understanding, knowledge and respect for Yaqui culture, history, civics and social studies. Courses or course content that develops knowledge, understanding and respect for Yaqui culture, history, civics and social studies shall be included in the curriculum of every school serving the Pascua Yaqui Tribe. The Community Cultural Standards Committee shall determine the appropriate course content for the Yaqui language and culture component of the curriculum.
- (G) The Yaqui language is an essential element of the life, culture and identity of the Yaqui People. The Tribe recognizes the importance of preserving and perpetuating that language to the survival of the Tribe. Instruction in the Yaqui language shall be made available for all grade levels in all schools serving the Tribe. Yaqui language instruction shall include to the greatest extent practicable: thinking, speaking, comprehension, reading and writing skills and study of the formal grammar of the language.
- (H) The use of curriculum committees is encouraged at all levels of schools to review the validity and relevance of curricula. Curriculum content shall be reviewed on a periodic basis. The review should utilize student assessments, standardized test scores, student progress reports, and school evaluation reports. Each school shall involve the staff, parents and community in program planning, provide in-service training in curriculum development and implement a curriculum improvement approach. Any new curriculum or educational program shall be structured to meet the needs of the specific school and shall be adopted by the Governing School Board.

Section 120 Gifted and Exceptional Education (8 PYTC §8-1-120)

- (A) All schools serving the Tribe shall identify the strengths of gifted, talented and highly motivated students and shall provide appropriate educational planning which will challenge and nurture each student's level of development to its highest potential. Students shall be provided an opportunity to work at their appropriate developmental level of ability rather than being limited to a normative level.
- (B) Schools and educational programs serving the Tribe shall assure that Yaqui students receive educational and support services and resources that are adequate to meet their educational needs and that are both appropriate and non-discriminatory in terms of Yaqui language, learning styles and culture. The Tribe supports the essential policies made explicit within the "Education for All Handicapped Act" concerning the provision of a free, appropriate public education in the least restrictive environment with all due procedural rights and safeguards afforded students and their parents. No school or educational program shall discriminate against any student or applicant for services on the basis of a disability.
- (C) The Tribe shall coordinate with other agencies to provide personnel preparation services for exceptional education and related service needs to increase the availability of qualified Yaqui exceptional education personnel.

Section 130 Early Childhood Programs (8 PYTC §8-1-130)

- (A) Early childhood programs should employ a comprehensive developmental approach to help children achieve the social competence and pre-academic skills which are associated with positive school performance and healthy psycho-social adjustment.
- (B) Early childhood programs shall work closely with parents, parent policy boards and local communities in developing and implementing their program plans.
- (C) Administrative entities within the Tribe with responsibility for education, child development, licensed day care, and related areas shall coordinate to assure that early childhood programs serving Yaqui children are competently and compassionately administered in accordance with the Tribe's laws and policies.

SUBCHAPTER E PROFESSIONAL TRAINING FOR EDUCATORS

Section 140 Development and Training (8 PYTC §8-1-140)

- (A) It is the responsibility of the schools and school districts serving the Tribe to recruit and employ those who are most qualified and competent to work with the Yaqui student population, and to create incentives to improve staff performance. The Governing School Board and school administrators shall take leadership to provide professional training opportunities for their personnel and to encourage and provide both opportunities and guidance for those individuals who desire to advance themselves in the education field, obtain or expand their professional certification, or obtain training in their specialized areas. Staff development shall include both certified and non-certified personnel. Educators of Yaqui children have the responsibility to upgrade their teaching and administrative skills to maintain relevant, coherent instructional techniques at all levels of formal education.
- (B) All schools and school districts serving the Tribe shall develop appropriate Yaqui cultural awareness and sensitivity programs as an integral part of their in-service training programs for all personnel. The Tribe through its Community Cultural Standards Committee shall establish general guidelines for the implementation of these programs.

SUBCHAPTER F GOVERNING SCHOOL BOARD

Section 150 Establishment (8 PYTC §8-1-150)

- (A) The Tribe encourages and supports local control of education. Administration of a school shall be under the guidance and direction of a Governing School Board.
- (B) The Governing School Board shall develop written policies regarding school governance, personnel matters, staff conduct, student conduct, teacher evaluation, parental involvement, residential policies, graduation requirements, academic policies and related topics, and shall assure that these policies are communicated to administration, staff, students and parents. Governing School Board policies shall be implemented in a consistent and impartial manner.

- (C) In administering the schools under its charge, the Governing School Board shall give timely notice of its meetings and conduct its meetings at times and places convenient to the public, especially parents, and shall carry out its deliberations and decision-making in open meetings, except in such cases as disciplinary matters, individual personnel matters, discussion of litigation, where the need for privacy clearly outweighs the public's right to know.
- (D) The Governing School Board is subject to the Tribe's educational laws to the full extent of the jurisdiction of the Tribe. The Governing School Board is responsible for assuring the implementation of the Tribe's educational policies at the local level. The Governing School Board is also responsible for establishing local educational policies and priorities.

Section 160 Operation (8 PYTC §8-1-160)

- (A) The Governing School Board shall be comprised of five (5) members, including one (1) parent of a child enrolled in a school under the jurisdiction of the Governing School Board, one (1) representative from each school operating within the Reservation and one (1) at-large member. The inaugural Governing School Board shall be appointed by the Director of the Education Department during the summer of 2024 in anticipation of a 2025 school year start date.
- (B) Any Member is eligible to serve on the Governing School Board provided the Member:
 - (1) Is a member of the Pascua Yaqui Tribe;
 - (2) Is a registered voter;
 - (3) Has earned a High School Diploma or GED;
 - (4) Successfully completes and passes a comprehensive criminal background check prior to initial selection or election deadlines;
 - (5) Is not a relative of an employee or a spouse of an employee of any of the schools under the authority of the Governing School Board;
 - (6) Is not a member of another School Board; and
 - (7) Is not an employee of the Education Department.
- (C) Governing School Board members shall not receive compensation for serving. However, members shall be entitled to reimbursement for reasonable expenses incurred in connection with Governing School Board approved travel.
- (D) The Governing School Board shall include as advisors the Community Cultural Standards Committee. In this role, the Community Cultural Standards Committee shall have no operating authority or responsibility for schools, but shall be expected to provide guidance, consultation, recommendations, and assistance as necessary or appropriate to further the development of the schools under the authority of the Governing School Board.

- (E) A designated member of Tribal Council shall serve ex officio to the Governing School Board.
- (F) All members of the Governing School Board shall be subject to the Tribe's Code of Ethics and other applicable laws of the Tribe.
- (G) The Governing School Board shall meet at such intervals as established in the Governing School Boards Bylaws, but in no event shall meet less than four (4) times per year.
- (H) The Governing School Board shall operate according to Bylaws provided by the Education Department until the Governing School Board adopts an amended set of Bylaws for itself.

SUBCHAPTER G EDUCATION DEPARTMENT OVERSIGHT

Section 170 Authority (8 PYTC §8-1-170)

- (A) The Education Department is the administrative agency within the Tribe with responsibility and authority for implementing and enforcing the educational laws of the Tribe. The Education Department exercises, to the extent permitted by law and agreement, functions comparable to the departments of education of the State of Arizona in regard to the schools within the Reservation and other schools and educational programs serving significant numbers of Yaqui youth and adults. In exercising its responsibilities, the Education Department shall seek to work cooperatively with local school governing boards.
- (B) The Education Department is under the immediate direction of a Director, subject to the overall direction of the Chairman of the Tribe. In carrying out its responsibilities the Education Department, through the Executive Director, is authorized and directed to:
 - (1) Inquire into the educational situation of Yaqui students in any school or educational program located within the Reservation or receiving program funds for the education of Yaqui youth or adults;
 - (2) Determine the impact of educational programs on Yaqui students by inquiring into areas of concern, such as achievement data, test results, budgets, language proficiency, exceptional educational programs, supplemental programs, staffing, social and economic variables, curriculum, health and safety, adequacy of facilities, and other areas of inquiry relevant to the educational situation of Yaqui students;
 - (3) Report at least annually to the Tribal Council on the state of Yaqui education; and
 - (4) The authority to make inquiries granted to the Department in this subsection extends to all affected school sites and all appropriate records.
- (C) The Education Department shall be available to work with schools, school districts, school governing boards, local communities and other appropriate entities to develop plans for the implementation of Yaqui educational policies.

- (D) The Education Oversight Committee of the Tribal Council has oversight responsibility for the Education Department and for the implementation of education legislation. The Education Oversight Committee exercises such powers and responsibilities over Yaqui education as are prescribed by the laws of the Tribe.

SUBCHAPTER H STUDENT CODE OF CONDUCT

Section 180 Requirements (8 PYTC §8-1-180)

Under the guidance of the Governing School Board, parent committees and parents, a written code of student conduct, rights and responsibilities shall be developed and maintained by each school serving the Tribe. School disciplinary procedures should be corrective, based upon a disciplinary action plan incorporated into the code of student conduct. The disciplinary action plan should provide for notification and involvement of parents from the earliest stages of the disciplinary process. Corporal punishment shall not be used by a school in its disciplinary programs.

SUBCHAPTER I PARENTAL INVOLVEMENT

Section 190 Parental Involvement (8 PYTC §8-1-190)

- (A) All schools operating within the Reservation shall encourage participation by parents of students in their school programs. Parents should be involved in planning, developing and evaluating educational programs, developing curriculum, and school activities. Appropriate procedures shall be developed by each school to facilitate parental involvement and to assist parents in inquiring and learning about the education their children are receiving.
- (B) Educational aspirations and cultural values of Yaqui parents should be respected in the development of policies and programs within each school.
- (C) Parental action or inaction in regard to the education of children which endangers or disregards the welfare of those children is not protected by this Section. This Section shall not justify any parent in disregarding laws concerning compulsory attendance or school transfer.
- (D) Parents have a responsibility to support the educational efforts of the schools, to assure the regular attendance of their children in school, and to exercise supervision and guidance over their children.

SUBCHAPTER J COMMUNITY CULTURAL STANDARDS COMMITTEE

Section 200 Establishment (8 PYTC §8-1-200)

- (A) The Community Cultural Standards Committee shall determine the appropriate course content for the Yaqui language and culture component of curriculum and ensure that Yaqui language, culture, and history remain embedded in the design and implementation of curriculum in all educational programs located within the Reservation or serving significant numbers of Yaqui students.

- (B) The Community Cultural Standards Committee shall be comprised of seven (7) members, which shall include one (1) Yaqui elder, one (1) Certified Yaqui Language Instructor, one (1) Yaqui member with a background in Yaqui culture and history, one (1) Yaqui representative from the Tribe's Health Department, one (1) Yaqui certified teacher currently teaching in K-12, one (1) current or former Yaqui certified teacher, and one (1) Pascua Yaqui Yoeme Youth Council representative.
- (C) Any Member is eligible to serve on the Community Cultural Standards Committee provided the Member:
 - (1) Is a member of the Pascua Yaqui Tribe; and
 - (2) Successfully completes and passes a comprehensive criminal background check prior to initial selection or election deadlines;
- (D) The inaugural Community Cultural Standards Committee shall be appointed by the Director of the Education Department.
- (E) The Community Cultural Standards Committee shall operate according to Bylaws provided by the Education Department until the Community Cultural Standards Committee adopts an amended set of Bylaws for itself.
- (F) All members of the Community Cultural Standards Committee shall be subject to the Tribe's Code of Ethics and other applicable laws of the Tribe.

SUBCHAPTER K ENFORCEMENT

Section 210 Jurisdiction (8 PYTC §8-1-210)

The Pascua Yaqui Tribal Courts shall have jurisdiction over all causes of action brought pursuant to this Chapter or which arise within the jurisdiction of the Tribe.”