

Sisseton-Wahpeton Oyate  
Codes of Law  
Chapter 66 – Education Code

Chapter 66  
Tribal Education Code

Sisseton-Wahpeton Oyate

Codes of Law

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## **Subchapter 1 – Policies**

### **66-01-01 – Title**

This Title of this Code is the Education Code of the Sisseton-Wahpeton Oyate. This title may be cited as the Tribal Education Code.

### **66-01-02 – Authority of Tribal Government**

#### **Inherent authority over formal education**

The Sisseton-Wahpeton Oyate has an inherent right to exercise its responsibility to the Sisseton-Wahpeton people for their formal education by enacting and implementing a tribal education code applicable to all educational institutions within the Lake Traverse Reservation and to all educational programs receiving significant funding for the education of Sisseton-Wahpeton youth.

#### **(a) Recognition of education provider**

The Sisseton-Wahpeton Oyate commits to work cooperatively with all education providers on the reservation or serving the Sisseton-Wahpeton youth to assure the achievement of educational goals set by the Sisseton-Wahpeton Oyate.

#### **(b) Tribal laws apply to local educational institutions and other educational institutions to maximum extent**

In the operation of educational institutions, the laws and ordinances of the Sisseton-Wahpeton Oyate apply to the maximum extent of the jurisdiction of the Sisseton-Wahpeton Oyate.

#### **(c) Authority of Council to negotiate agreements to implement Tribal Education Code**

As provided in Article VII, Section 1(a) of the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate, the Sisseton-Wahpeton Oyate is empowered to negotiate with the federal, state, and other tribal governments, or their political subdivisions, any agreements necessary to implement the policies and provisions of this Tribal Education Code.

#### **(d) Other rights and powers not abrogated by authority over formal education**

The Sisseton-Wahpeton Oyate specifically claims for its people and relies upon the responsibility of the government of the United States to provide for education based on the Treaty of 1867 and the trust responsibility of the federal government toward Indian Oyates. In exercising the Tribal government's authority over formal education on the Lake Traverse Reservation, the Tribal government does not sanction or cause any abrogation of the rights of the Oyate or its members based upon federal law or inherent sovereign powers, nor does enacting the Code diminish any trust responsibility of the federal government, including but not limited to the obligation set forth in the Treaty of February 19, 1867, or of the state government or any political subdivision thereof,

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including but not limited to the obligation to provide a non-discriminatory public education

**66-01-03 – Purposes**

With the Tribal Education Code, the Sisseton-Wahpeton Oyate intends to:

**(a) Provide excellent education and preparation for life**

Provide excellent education for the Sisseton-Wahpeton Oyate and provide a means to prepare tribal members for life on and off the reservation;

**(b) Assess educational situation and develop education goals**

Improve education on the Reservation by assessing the education situation and developing programs and policies tailored to address identified problem areas;

**(c) Adopt laws and policies which enable tribal decision-making, direct funding, block grant funding, set-asides and other improvements**

Adopt laws and policies which enable tribal decision-making, direct funding, block grant funding, set-asides and other improvements

**66-01-04 – Policies**

The Sisseton-Wahpeton Oyate declares as policy that:

**(a) Tribal government has responsibility to the people to provide for education to protect the Oyate membership**

The tribal members and land base are the most valuable resources of the Sisseton-Wahpeton Oyate. The Sisseton-Wahpeton Oyate, as a sovereign nation, has a responsibility to its people to oversee their education in whatever school or school systems the Sisseton-Wahpeton youth are being educated to assure an excellent education.

**(b) Education must be effective, appropriate for, and relevant to the Reservation**

An effective, appropriate, and relevant formal education on the Reservation fosters:

- (1) Competence in Dakota language skills and knowledge of Sisseton-Wahpeton Dakota culture, government, economics, and environment;
- (2) Knowledge of the history of Sisseton-Wahpeton Dakota Oyate and the role of tribal members in promoting the future of the Oyate;
- (3) The development of Sisseton-Wahpeton tribal and United States citizenship;
- (4) Parental and community involvement in the formal education process such that formal education includes the educational aspirations and cultural values of the parents and community members;
- (5) An attitude toward education which encourages lifelong learning;

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- (6) Preparation for lifelong responsibilities in the areas of employment, family life, recreation and use of leisure;
- (7) Positive Self-discipline and self-concept;
- (8) The formulation of age, grade, and/or developmentally appropriate competencies in all basic areas of academic and cognitive skills;
- (9) Competence in English Language skills and knowledge of non-Indian American culture, government, economics, and environment.

**(c) Support of local control of educational institutions**

The Tribal Government encourages and supports local control of Sisseton-Wahpeton education. The Tribal Government supports administration of a school under the guidance and direction of a school board or a governing body.

**(d) Coordination of education efforts to carry out the Education Code**

Curriculum, education standards, educational policies and programs, and employment practices regulated under this Tribal Education Code shall be carried out through coordinated efforts between the Education Board of Regents, other Education Board of Regents and agencies, state and tribal educational institutions, and shall incorporate the intents purposes and policies of this Code.

**(e) Tribal government shall work with state and federal governments to improve education**

The Tribal Government shall develop cooperative working relationships with the state and federal governments to improve the education systems on the Reservation.

**(f) Fundamental education goal of the Oyate is self-determination consistent with the Oyate's heritage**

The Sisseton-Wahpeton Oyate is a people with a distinct political, economic, and cultural heritage. The fundamental goal of the Sisseton-Wahpeton Oyate regarding education is self-determination consistent with this heritage.

**66-01-05 – Definitions**

Unless the Tribal Education Code indicates, the following definitions apply:

**Alcohol, nicotine and drugs** – “Alcohol, nicotine, and drugs” mean any substance that may alter the sensorium, including alcoholic drinks, nicotine, tobacco and tobacco related products, drugs regulated by or controlled under federal or tribal law.

**Charter(ed)** – “Charter” or “chartered” means chartered by the Tribal Council under the Tribal Constitution.

**Code** – “Code” means the Education Code of the Sisseton-Wahpeton Oyate.

**College** – “College” means Sisseton-Wahpeton College.

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**Culture** – “Culture” means a set of shared patterns of behavior developed by a group of humans in order to survive as a people. These sets include, but are not limited to interpersonal and kinship relationships, spiritual relationships, values (behavior, material possessions, individual characteristics, attitudes), assumptions, rules, governing structure, language, social and individual development processes, and acquisition and use of knowledge.

**Curriculum** – “Curriculum” means a planned, ongoing, and systematic program provided for students, in which goals and objectives are clearly articulated.

**Education Board of Regents** – “Education Board of Regents” means the Education Board of Regents within the Tribal Government charged with administering the Tribal Education Code.

**Educational data** – “Educational data” or “data” means any information pertaining to students and educational institutions. This includes, but is not limited to attendance reports, achievement data, test results, progress reports, evaluations, language proficiency data, information about curricula and instruction, information about employment practices and staffing, information about social and economic variables, information about funding, budgets, and finance, health and safety information, and information about school grounds and buildings.

**Educational Institution** – Any program providing education within the boundaries of the Lake Traverse Indian Reservation or that have ten or more students enrolled in the Sisseton Wahpeton Oyate.

**Educational policies and programs** – “Educational policies and programs” means educational policies or programs other than curricula. This includes, but is not limited to policies and programs that develop student or parent knowledge, skills, or involvement with educational institutions.

**Education standards** – “Educational standards” means minimum levels of performance that tribal educational institutions attain, or minimum requirements that educational institutions meet, to provide and document quality curriculum, and quality educational policies and programs.

**Educators** – “Educators” mean the professional staff of educational institutions such as professionals and para-professionals, as defined according to the governing boards, administrators, and counselors.

**Equally Qualified** – “Equally Qualified” means the qualifications are equal of the Professional and Para-Professional personnel in education, experience and other qualities defined by the local school boards, policy council and board of trustees.

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**Governing body of tribal educational institutions** – “Governing body of tribal school” or “governing body” is the authorized administrative body of a tribal school responsible for developing, maintaining, and providing educational opportunities and services and includes but is not limited tribal school boards.

**Governing board of the Head Start Program** – The Governing Body of the Head Start Program is the Head Start Policy Council.

**Head Start Policy Council** – The Head Start Policy Council means the formal group of parents and community representatives required to be established by Grantee (Sisseton Wahpeton Oyate) assist in decisions about the planning and operation of the program.

**Indian preference** – Sisseton Wahpeton Oyate tribal members will have first priority for employment opportunities, all other tribes and non-Native Americans will have second priority.

**Parent** – “Parent” means anyone who is a parent, legal guardian, or custodian of a student including, but not limited to grandparents, parent groups, and committees established under federal, state, and tribal education law.

**Parenting and family life** – “Parenting and family life” means all aspects of the familial relationship and responsibilities, including but not limited to family responsibilities, child growth and development, child birth and child care, prenatal and postnatal care for infants and mothers, prevention of child abuse, and related topics.

**Policies and procedures regarding school governance** – “Policies and procedures regarding school governance” means educational policies and procedures prescribed under federal, state, and tribal law.

**Reservation** – “Reservation” means all land, waters, and waterways within the original exterior boundaries of the Lake Traverse Reservation as set forth in the Treaty of February 19, 1867.

**School Policy** – School Board adopted statement that governs school actions.

**State school** – “State school” is any school financed or controlled by the state offering grades Pre-Kindergarten through twelfth, or any part of this span, located on the Reservation or serving a significant amount of Sisseton-Wahpeton youth.

**School** – “School” is a place, institution, or process for formal teaching and learning.

**School Board**– “School Board” is the authorized governing body responsible for developing and maintaining educational institutions, and for providing educational opportunities and services.

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**Sisseton-Wahpeton youth** – “Sisseton-Wahpeton youth” means any child enrolled in Pre-Kindergarten through College, who is enrolled or eligible for enrollment in the Sisseton-Wahpeton Oyate.

**State** – “State” or “State government” means the state in which a school is located or a political subdivision of that state.

**Student** – “Student” means anyone who is officially enrolled in a school.

**Tribal Constitution** – “Tribal Constitution” or “constitution” means the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate.

**Tribal Council** – “Tribal Council” or “Council” means the Sisseton-Wahpeton Oyate Tribal Council.

**Tribal School** – “Tribal school” is any education program organized by the Tribal Council or the Oyate offering education up to grade twelve. Tribal school includes, but is not limited to chartered; educational institutions, chartered educational programs, adult education and early childhood programs.

**Tribal Secretary** – “Tribal Secretary” or “Secretary” means the Tribal Secretary of the Sisseton-Wahpeton Oyate.

**Tribal Government** – “Tribal Government” means the official government of the Sisseton-Wahpeton Oyate.

**Oyate** – “Oyate” or “tribal” means the Sisseton-Wahpeton Oyate and includes the Sisseton-Wahpeton people as a distinct cultural, ethnic, geographical, and political entity.

**66-01-06 – Construction of tense use**

In construing the provisions of this Tribal Education Code, the present tense includes the past and future tenses, and the future tense includes the present.

**66-01-07 – Masculine gender inclusive**

In construing the provisions of this Tribal Education Code, the masculine gender includes both genders.

**66-01-08 – Reference to Code includes amendments**

When a reference is made to any portion of this Tribal Education Code, the reference shall include all amendments and additions made to the Code.

**66-01-09 – Severability**

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by the Tribal Court or Tribal Appellate Court, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

**66-01-10 – No Waiver of Immunity**

Nothing in this Code shall be construed as a waiver of sovereign immunity for the Sisseton-Wahpeton Oyate, its departments, agencies, entities, employees, or agents.

**66-01-11 – Construction**

This Code shall be interpreted and applied in a manner consistent with all other Codes, Laws, Resolutions, and Regulations of the Sisseton-Wahpeton Oyate.

**66-01-12 – Amendment**

This Code may be amended only upon affirmative vote of a majority of the Tribal Council of the Sisseton-Wahpeton Oyate.

**66-01-13 – Effect of Headings**

Headings shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any portion of this Code.

**66-01-14 – Interpreting Definitions**

Words or phrases used in this Code shall be interpreted so as to give them the meaning they have in common usage for the Sisseton-Wahpeton Oyate and to give this Code it's most reasonable application. The words and phrases in this Chapter are specifically defined and shall control and prevail over any other definition.

**Subchapter 2 – Tribal Council**

**66-02-01 – Tribal Council to establish the Education Board of Regents**

The Tribal Council will establish the Education Board of Regents. The Board of Regents will consist of Tribal Secretary, Director of the cultural preservation committee, the College President, the TZTS Superintendent, the ESDS Superintendent, and the Head Start Director;

The Tribal Council may act on educational resolutions submitted.

### **66-02-02 – Apportionment**

The tribal council shall apportion funding on an annual basis for the maintenance of an education department. Funding could include salaries and fringe benefits for a director, administrative assistant, curriculum specialist, accreditation specialist and sufficient fiscal resources to establish and maintain an office and travel necessary to complete the duties outlined in the tribal education code. The tribe may allocate funding according to budget and needs request.

### **66-02-03 – Tribal Higher Education Scholarship Program**

The Tribal Council shall determine the annual budget for higher education scholarship fund. The program shall be managed under the direction of the Tribal Secretary.

### **66-02-04 – Accreditation**

The Board of Regents will make a recommendation to the Sisseton Wahpeton Oyate Council for the approval of accreditation of each educational institution within the boundaries of the Lake Traverse Indian Reservation. The Board of Regents in conjunction with the Education Director will develop and annually review the procedures and guidelines for accreditation for Council approval. The Sisseton Wahpeton College is exempted according to the accreditation requirements of the Higher Learning Commission of the North Central Association.

## **Subchapter 3 – Tribal Secretary**

### **66-03-01 – Tribal Secretary has oversight of Education Board of Regents**

The Tribal Secretary shall:

#### **(a) Employ Director of Tribal Education Department.**

- Employ a Director of the Education Board of Regents;
- Shall establish Director's qualifications and job advertisement.

#### **(b) Employ Tribal Education Staff**

- Employ the Tribal Education Staff;
- Establish the Tribal Education Staff's qualifications and job advertisement.

#### **(c) Review regular reporting by the Education Board of Regents**

The Tribal Secretary shall require and review regular monthly oral or written reports by the Department of Education or their designee regarding the condition, needs, and progress of education. The Tribal Secretary shall review the annual Oyate Education Report as provided in the this Code;

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**(d) Make regular reports on education to the Tribal Council**

The Tribal Secretary shall make a monthly report to the Tribal Council regarding education issues;

**(e) Coordination of tribal services and programs**

The Tribal Secretary shall actively promote and assist the coordination of tribal services and programs critical to education issues needed to fulfill the intents, purposes and policies of the this Code;

**(f) Contracts and agreements with consultants**

The Tribal Secretary shall review and recommend to Tribal Council contracts and agreements recommended by the Director;

**(g) The Tribal Secretary shall review and recommend to Tribal Council contracts and agreements recommended by the Director**

**(h) Recommend tribal standards**

The Tribal Secretary shall recommend tribal standards to Tribal Council for approval;

**(i) Review and recommend policies and programs**

The Tribal Secretary shall review and recommend to Tribal Council tribal education policies and programs for the Education Department;

**(j) Review and recommend Education Board of Regents appropriations and operating budget**

The Tribal Secretary shall review and recommend appropriations for operating budgets for the Department of Education;

**(k) Promote local control of education**

The Tribal Secretary shall actively promote local control of education through charters consistent with the intents and purposes of the Education Code;

**Subchapter 4 – Education Board of Regents**

**66-04-01 – Creation of Education Board of Regents**

This Code creates in the Tribal Government, under the Tribal Secretary’s Office, a Education Board of Regents with the power and duty to administer and enforce this Tribal Education Code and other tribal education laws unless such powers are otherwise delegated.

The Education Board of Regents will possess favorable background reports according to the Indian Child Welfare Act and other applicable statutes.

### **66-04-02 – Tribal Council to employ Director of Tribal Education**

The Tribal Secretary in concurrence with the Board of Regents will advertise according to the tribal hiring policies and recommend for employment a Director of Tribal Education. The Director shall be a full-time employee of the Oyate and shall maintain an office near Agency Village.

#### **(a) Qualifications and salary of Director**

The Tribal Secretary in concurrence with the Board of Regents shall establish the qualifications and salary of the Director of Tribal Education. The Director will possess favorable background reports according to the Indian Child Welfare Act and other applicable statutes.

#### **(b) Tribal Secretary to serve as acting director during vacancies.**

During periods in which the Director's position is vacant, the Tribal Secretary shall serve in a non-salaried capacity as Acting Director of the Education Board of Regents.

#### **(c) Director to employ qualified staff of Education Board of Regents**

Subject to approval of the Tribal Secretary, the Director shall have the power and duty to employ qualified professional, clerical, and other employees according to Tribal hiring policies and funding. The employees may be full-time, part-time and/or temporary as necessary for the administration of this Code. The Director shall plan and direct the duties and responsibilities of the Education Department staff and shall ensure that the staff carries out their duties and responsibilities. The Director shall ensure that the Education Board of Regents staff is qualified and receives appropriate professional training.

The Staff will possess favorable background reports according to the Indian Child Welfare Act and other applicable statutes.

### **66-04-03 – Power and duties of Director**

The Director shall be the primary administrator and enforcer of the Tribal Education Code. Subject to the authority of the Tribal Secretary through the Tribal Council, the Director shall have the principle power and duty to administer and enforce the Tribal Education Code.

#### **(a) As the principal administrator and enforcer of the Tribal Education Code the Director shall:**

- (1) Oversee the administration and operation of the Department of Education's functions and oversee the compliance by educational institutions with the Tribal Code;
- (2) Maintain current knowledge of the law and procedures in administration and enforcement of tribal education laws, and serve as the principle technical and

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professional advisor to the Tribal Council on all matters relating to the Code and education on the reservation;

(3) Provide leadership in and otherwise promote the improvement of education on the Reservation through constant contact with educators, personal appearances at public gatherings, research, planning, and evaluation of education service; and

(4) Seek and coordinate tribal and non-tribal resources to implement this Tribal Education Code to improve the condition, needs, and progress of education on the reservation;

**(b) The Director shall maintain an office for filing and records**

The Director shall establish and maintain an office in Agency Village provided by the Oyate. In maintaining this office, the Director shall keep records of all matters pertaining to the Department of Education. The Director shall file all papers, reports, public documents, and other data transmitted to the Director and hold this open to inspection by the Tribal Secretary and Tribal Council.

**(c) The Director shall establish a uniform data gathering, compiling, and reporting system**

The Director shall establish a uniform system for gathering, compiling and reporting educational data from educational institutions, the tribal government, the state and federal governments. The Education Board of Regents shall evaluate the data to ensure compliance with this Code and to improve generally the conditions, needs and progress of education on the Reservation. The system shall include but not be limited to:

(1) Receiving and examining written data, policies and procedures regarding school governance, self-assessment by the Head Start Program and educational policies and programs provided by educational institutions; the Education Board of Regents shall specify a format for reporting educational data by the state and educational institutions;

(2) Establishing a human network system comprised of educators, administrative or professional staff of other tribal and non-tribal agencies, Education Board of Regents, and programs, members of the community, and parents; the Director shall call and conduct meetings with the network at least twice a year; at these meetings, through discussion and explanation, the Director shall endeavor to establish, maintain, and refine administration and enforcement of the Tribal Education code, standards, programs, and rules developed under the Code;

(3) On-site assessment visits to educational institutions conducted by an evaluation team. In the case of educational institutions, each team shall include:

- (1) the Director of Tribal Education Department,
- (2) the Tribal Secretary,
- (3) a member of the Education Board of Regents, and
- (4) local school administrator

The Education Board of Regents shall conduct these on-site visits once every three years for educational institutions. The team shall evaluate compliance with this Code; the problems and progress of the students, action taken to correct

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problems and previous areas of noncompliance, and other issues identified during data gathering.

**(d) The Director shall provide an annual report**

The Director shall provide an annual report regarding the state of education to include conditions, needs and current progress of education on the reservation and shall include the Director's recommendations on needed Tribal education legislation and needed Tribal action on behalf of education.

**(e) The Director shall communicate the Tribal Education Code to boards, governing bodies of other educational institutions, and educators**

The Director shall communicate the Tribal Education Code to boards, governing bodies, and administrators.

**(f) The Director under the guidance of Board of Regents shall act as a liaison between the Oyate and other Government entities on education matters**

The Director under the guidance of the Board of Regents shall act as a continuous liaison between the Oyate and other government entities on education matters. This shall include attending and interacting at meetings of the school board and other such education meetings. The Director shall serve on Tribal or state committees as directed by the Tribal Secretary or Tribal Council.

**(g) Coordinate the services and activities of the Education Board of Regents and negotiate cooperative agreements**

The Director is authorized to negotiate cooperative agreements between the Education Board of Regents and school boards, governing bodies, chartered educational programs, educational institutions, and other boards, agencies, offices, federal and state and/or other entities, and programs to facilitate the coordination of services and activities of the Education Board of Regents.

**(h) Hire or contract with consultants**

The Director may hire or contract consultants as the Director deems necessary to administer and enforce this Code, subject to review by the Tribal Secretary.

**(i) Develop tribal education standards**

**(j) Recommend a tribal orthography**

The Director under the guidance of the Board of Regents shall recommend a tribal orthography to Tribal Council for adoption.

**(k) Enforce and evaluate compliance by educational institutions with tribal curriculum and education standards**

The Director under the guidance of the Board of Regents shall enforce compliance by educational institutions with the tribal curriculum and tribal education standards. The Director shall evaluate compliance as part of the data gathering provisions of this Code.

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**(l) Develop and enforce tribal educational policies and programs and evaluate compliance by educational institutions with tribal educational programs**

The Director under the guidance of the Board of Regents shall develop tribal educational policies and programs in the areas specified and in accordance with this Code. The Director shall enforce compliance by educational institutions serving Tribal Children with the Tribal education policies and programs as part of the data gathering process.

**(m) With Sisseton Wahpeton College, develop accredited tribal certification and recertification courses for educators, and work with the College in other areas of education**

The Director shall work with Sisseton Wahpeton College to develop accredited tribal certification and recertification courses for educators in accordance with this Code. The Director shall work with the College, as necessary, to implement the provisions of this Code, including the tribal curriculum, tribal education standards, and educational programs. The Director shall work with the College regarding research for improving education on the Reservation, and promoting leadership in education on the Reservation.

**(n) Review budget estimates of and appropriations for educational institutions and other educational institutions**

The Director shall participate in public hearings and other budget and finance processes of Bureau of Indian Education, federal, state and educational institutions as needed. The Director shall review budget and financial information provided by state and educational institutions.

**(o) Report and consult with the Tribal Secretary**

In all matters relating to the Director's duties, the Director shall report and consult with the Tribal Secretary at least twice a month.

**66-04-04 – Budget Preparation and Fiscal Management Responsibility**

**(a) Director to prepare Education Board of Regents budget**

The Director shall annually prepare a written budget for the operation of the Education Board of Regents.

**(b) Director to be responsible for the proper management of annual Education Board of Regents appropriation**

The Director shall be responsible for the proper management of the annual appropriation for the operation of the Education Board of Regents.

## **Subchapter 5 – School Boards and Governing Bodies**

### **66-05-01 – Governing bodies of educational institutions**

#### **(a) Establishment of governing body**

Tribal Council shall establish governing bodies of educational institutions by charter or other means of enactment. The governing bodies shall establish the membership qualifications, powers, authority, duties, composition, compensation, and operation of the governing bodies of educational institutions through charter.

#### **(b) Local control of education encouraged**

The Sisseton-Wahpeton Oyate encourages and supports local control of tribal education. The administration of educational institutions shall be under the guidance and direction of the governing bodies of each educational institution.

#### **(c) Governing bodies of educational institutions shall develop written policies**

Governing bodies of educational institutions 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. Governing bodies will communicate these policies to administration, staff, students and parents. Governing bodies shall implement its policies in a consistent and impartial manner.

#### **(d) Governing bodies of educational entities shall cooperate with the Education Board of Regents and the Education Director**

#### **(e) Governing body shall ensure that educational institutions attain appropriate standards tribal**

### **66-05-02 – Non-Tribal School Boards**

#### **(a) Laws govern state and private school boards serving Sisseton Wahpeton Children**

School boards serving Sisseton Wahpeton Children are subject to this Code, other tribal law as specified in this Code.

#### **(b) School boards to cooperate with the Education Board of Regents and the Education Director**

School boards shall ensure that their educational institutions and staff cooperate with the Education Board of Regents and the Education Director in the implementation of this Code and in addressing other education problems and issues. Such cooperation shall include, but not be limited to:

- (1) providing written educational data to the Education Board of Regents following the format specified by the Education Board of Regents;

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- (2) ensuring that their educators participate effectively in the human network system provided for by this Code; and
- (3) ensuring that their administrators participate effectively in the on-site assessment evaluation teams provided for by this code.

**(c) School boards to provide policies and procedures to Education Board of Regents and align them with Tribal Education Code**

School boards shall provide a complete and current copy of all existing written policies and procedures regarding school governance to the Education Board of Regents.

**(d) School boards to ensure that educational institutions attain tribal education standards**

School boards shall ensure that educational institutions attain or meet the tribal education standards provided for and developed under this Code.

**66-05-03– Board Qualifications and Backgrounds**

All elected, appointed or otherwise seated board members of all entities of the Education Department are required to complete a background check according to the standard of character P.L. 101-630: Indian Child Protection and Family Violence Prevention Act and P.L. 101-647: Crime Control Act and other applicable SWO laws.

## **Subchapter 6 – Education Standards**

### **66-06-01 – Tribal standards**

#### **(a) Educational standards**

Assist with the development education standards with educational institution to include but not limited to:

- (1) The attainment of academic excellence and high, but realistic expectations for all students;
- (2) Competence in all basic academic and cognitive skills;
- (3) Competence in English language and knowledge of the non-Indian American culture governments, economics, and environment;
- (4) Competence in Dakota language and knowledge of Dakota culture, government, economics, and environment;
- (5) Knowledge of the history of the Sisseton-Wahpeton Oyate and the role of tribal members in promoting the future of the Oyate;
- (6) Promotion of the development of students as healthy individuals, members of families and communities, parents, citizens of the Oyate and the United States;
- (7) Development of self-discipline and positive self-worth;
- (8) Development of respect for all other living beings;
- (9) Development of an attitude which encourages life-long learning, decision making and undertaking the responsibilities of family life, community and tribal affairs, career development, recreation, and the use of the environment; and
- (10) Promotion of parental community involvement in the formal education process whereby the educational aspirations and the cultural values of parents and community members are promoted and respected.

#### **(b) Coordinate and consult with school boards and governing bodies**

Coordinate and consult with school boards and governing bodies of educational institutions.

#### **(c) Consult with the cultural preservation committee, educators, community members, parents, and students**

Consult with and obtain comments and input from cultural preservation committee, educators, community members, parents, and students.

#### **(d) Keep education standards on file**

Maintain a digital file in the Education Department with copies of all current standards, and proposed changes to standards for community inspections consistent with tribal law.

#### **(e) Tribal education standards**

Tribal education standards will be consistent with the standards of tribal law.

**66-06-02 – Approval of tribal education standards**

The SWO Tribal Council shall approve the tribal education standards submitted by the Tribal Secretary.

**66-06-03 – Tribal Education Standards on file**

The Tribal Education Department shall maintain on file copies of all approved tribal education standards for public inspection.

**66-06-04 – Content of tribal standards**

**(a) Tribal standards shall include instruction in the Dakota language**

The tribal standards shall include, for all grade levels/ages, instruction in the Dakota language. The Education Board of Regents shall recommend to the Tribal Council, with the Tribal Secretary's review, a proposed tribal orthography for adoption or amendment. Instruction by educational institutions shall follow the official tribal orthography adopted by the Tribal Council.

**(b) Tribal standards to include Dakota culture**

The tribal standards shall include, for all grade levels/ages, courses or course content that develops knowledge and an understanding of, and respect for, the Sisseton-Wahpeton Dakota culture.

**(c) Tribal standards to include tribal government and the federal-tribal and state-tribal relationship**

Tribal standards shall include, for all grade levels/ages, courses or course content that develops knowledge and an understanding of the historical and modern Tribal Government, including its sovereign status, its federal government-to-government relationship with the federal and state governments, and any related issue deemed necessary by the Education Board of Regents.

**(d) Tribal standards to include health and nutrition instruction**

The tribal standards shall include, for all grade levels/ages, courses or course content that develops knowledge and an understanding of healthy lifestyles.

**(e) Tribal standards to include parenting and family life**

**(f) Tribal standards to include tribal and American economics**

**(g) Tribal standards to include the reservation land base, tribal natural resources, and community environments**

Tribal standards shall include, for all grade levels, courses or course content that provides knowledge of the historical, political, socioeconomic, and cultural elements of the Oyate's reservation land base and natural resources.

**66-06-05 – Compliance with tribal education standards**

Educational institutions shall annually report compliance with the provisions of this Code regarding compliance with tribal curriculum to the Education Department.

**66-06-06 – Education Board of Regents to evaluate compliance**

The Education Board of Regents shall regularly evaluate compliance by educational institutions with tribal education standards. The Education Board of Regents shall annually report its findings and recommendations regarding compliance with tribal education standards to the Tribal Secretary.

**66-06-07 – Tribal education standards may be exceeded**

Tribal education standards do not prohibit or limit educational institutions, law, school boards or governing bodies of educational institutions from exceeding the tribal education standards. The Education Board of Regents shall publicly recognize this achievement.

**66-06-08 – State and tribal school compliance**

All educational institutions serving tribal members shall implement the tribal education standards established by the Oyate.

**66-06-09 – Education for Prevention of Controlled and Illicit Substances**

All educational entities to include public, private and tribal elementary, junior high, high schools, and institutions of higher learning on the Lake Traverse Indian Reservation are hereby encouraged to provide educational information and develop prevention curriculum on the effects of controlled and illicit substances with the goal of preventing youth from using controlled and illicit drugs. The Sisseton-Wahpeton Oyate prevention programs shall work with the schools on the Reservation to develop and implement prevention curriculum. The prevention curriculum will be consistent with cultural practice, and evidence based standard.

## **Subchapter 7 – Parental and Community Involvement**

### **66-07-01 – Involvement Activities**

Educational institutions, school boards, educational institutions, and governing bodies of educational institutions shall involve parents and community members.

### **66-07-02 – Compliance and Progress**

Educational Institutions shall annually report to the Education Board of Regents their compliance and progress regarding parental and community involvement.

## **Subchapter 8 – Educators**

### **66-08-01 – Qualifications**

All educators in educational institutions shall be qualified in their teaching assignment according to federal and tribal law. All educators shall gain and maintain specific knowledge and skills that will assist in improving their ability to serve students in the priority areas established by the Education Board of Regents as set forth in this Code.

### **66-08-02 – Training**

The Education Board of Regents shall regularly identify certification and recertification areas appropriate for educators. The Education Board of Regents shall consult and coordinate with school boards, governing bodies and the Sisseton Wahpeton College in identifying these areas. The Education Board of Regents and the College shall develop and make available accredited courses for certification and recertification of educators.

### **66-08-03 – Competency guidelines and evaluations**

Educational institutions shall evaluate staff according to their personal policies.

### **66-08-04 – Certification**

All educators that are employed by the Educational institutions on the Lake Traverse Reservation shall possess Tribal Certification. Tribal Certification includes, but is not limited to: Proficiency or 3 credit hours of Dakota Language and 3 credit hours of Dakota culture/history (or other pertinent Dakota course) within of two years of the date of employment.

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**66-08-05 – Recertification**

The recertification cycle will be every five years. All educators will provide professional development documentation or other course work equivalent to 90 hours towards educational improvement.

**66-08-06 – Hiring and retention**

Educators must satisfy tribal certification and recertification requirements as provided by this Tribal Education Code.

**66-08-07 – Fee for Certification and Recertification**

A fee will be set by the Education Board of Regents.

**Subchapter 9 – Indian Preference**

**66-9-01 – Education Board of Regents to apply Indian preference**

In implementing this Code, the Education Board of Regents shall apply Indian preference in hiring, training, retention, and promotion of all staff, personnel, consultants, and contractors. Indian Preference means equally qualified in education, experience and other qualities for Professional and Para-professional positions as defined by the local school boards, policy councils and board of trustees.

**66-9-02 – Educational institutions to apply Indian preference**

Educational institutions shall apply Indian preference in the hiring, training, retention, and promotion of all personnel, including but not limited to educators and support personnel.

**Subchapter 10 – Students**

**66-10-01 – Mandatory Attendance**

Every person who has a child under their care between the ages of five and eighteen years shall assure the attendance of the child(ren) in school according to the Juvenile and Penal codes.

**66-10-02 – Exceptions to Mandatory Attendance Civil Sanctions**

A child and his parent or guardian shall be excused from the requirements of the Mandatory Attendance Policy found at 66-11-01 of this Subchapter and will not be subject to the penalties set out in this Subchapter if the school attended by the child has

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excused that child from attendance because the school is providing all legally required services in a home-based or other program approved by the Education Board of Regents;

**66-10-03 – Civil Sanctions**

**(a) Failure to Send a Child to School**

Any person having permanent care or custody of a child who knowingly neglects or refuses to send his child or any child in his care to school until the child is eighteen (18) years is subject to penalties as stated in the Juvenile and Penal codes.

**(b) Penalties**

Violation penalties of Failure to Send a Child to School are outlined in the Juvenile and Penal Codes.

**66-10-04 – Truancy**

**(a) Truancy officer**

The SWO Tribe shall employ one or more truancy officer(s) whose primary responsibilities shall be to enforce the attendance provisions of the tribal education and the juvenile codes.

**(b) Truancy Officer Responsibility**

To communicate and network with area schools on habitual attendance concerns.

**66-10-05 – Cooperative Agreement for Truancy**

The Education Board of Regents shall form a cooperative agreement with the State truancy officer regarding any children enrolled at Sisseton-Wahpeton Oyate that are attending a state school to ensure the enforcement of tribal attendance laws.

**66-10-06 – Educational Institution Responsibilities**

Each educational institution board is responsible to develop policies, in conjunction with the Tribal Juvenile and penal codes, in regards to Attendance

**66-10-07 – Mandatory Reporting**

Educational institution boards are responsible to develop policies, in conjunction with the Tribal Juvenile and Penal Codes, in regards to reporting child abuse and neglect.

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**66-10-08 – Suicide Prevention**

Educational institution boards are responsible to develop policies and procedures, in conjunction with the Tribal Juvenile and Penal Codes, in regards to suicide prevention and reporting.

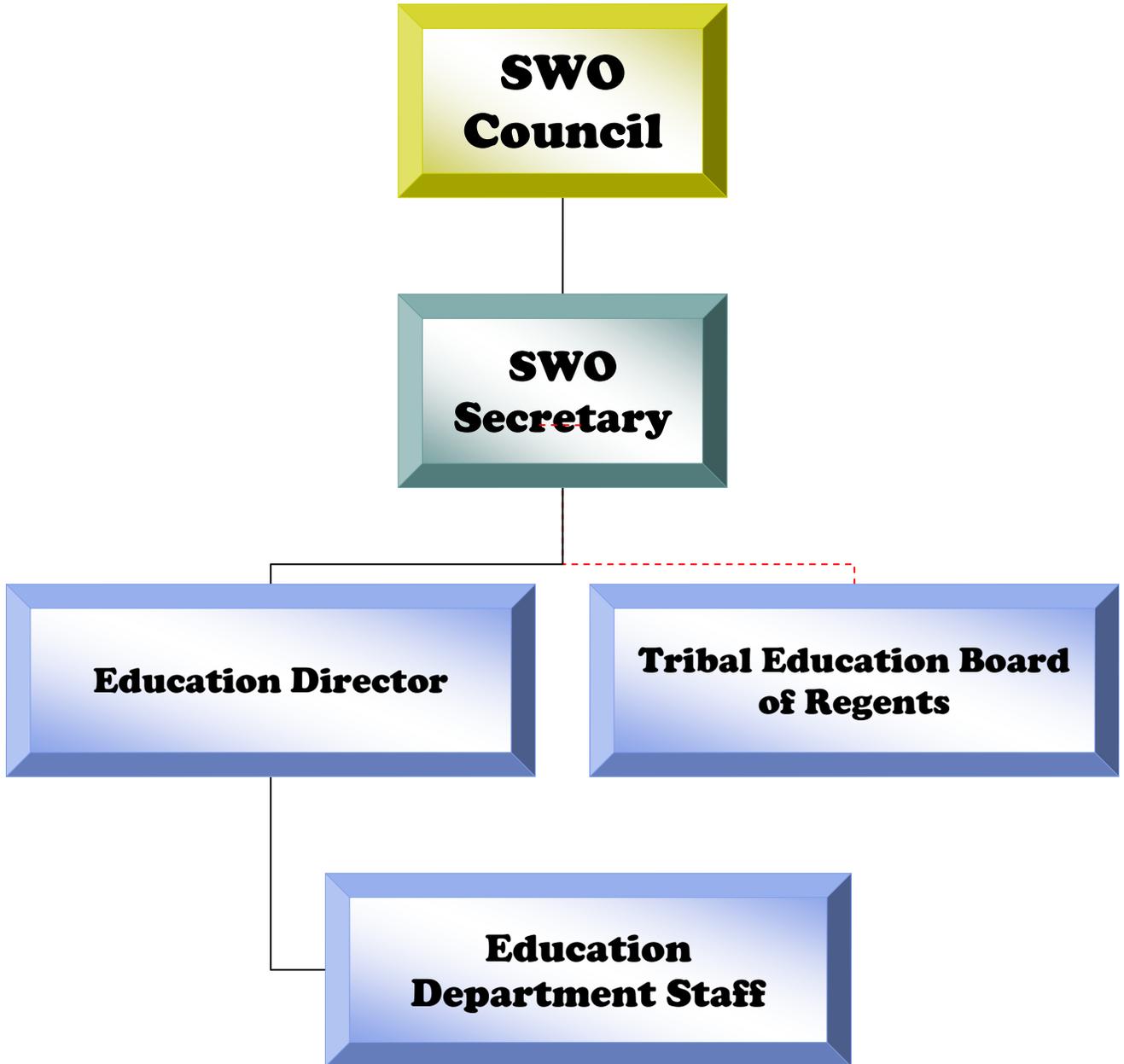
**66-10-09 – Student Data**

Educational institutions shall report student behavior data to the Tribal Education Department on an annual basis due by August 1<sup>st</sup> of every year.

Legislative History:

- Council Approved: May 3, 2013-Resolution No. SWO-13-036

**Education Department Flowchart**



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