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# SISSETON-WAHPETON EDUCATION CODES

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## Title 66

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**EDUCATION CODE**  
**TITLE 66 – EDUCATION CODE**

**CHAPTER 1 POLICIES**

**66-01-01 – TITLE**

The 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 – PREAMBLE**

In recognition of the strong connection between tribal sovereignty and educational self-determination, and the vital importance of the Dakota language and culture for our future as a people, the Tribal Council of Sisseton-Wahpeton Oyate enact the Tribal Education Code to provide the highest quality of education, and to promote and preserve our Dakota language and culture.

**66-01-03 – AUTHORITY OF TRIBAL GOVERNMENT**

- A. Inherent authority over formal education. Education of Sisseton-Wahpeton Oyate members is vital to the cultural and economic existence of the Sisseton-Wahpeton Oyate. This Tribal Education Code is enacted pursuant to the inherent sovereign authority of the Sisseton-Wahpeton Oyate in accordance with the Treaty with the Sioux – Sisseton and Wahpeton Bands of 1867, the Constitution of the Sisseton-Wahpeton Oyate and applicable federal law. 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 educational institutions within the Lake Traverse Reservation and to educational programs receiving significant funding for the education of Sisseton-Wahpeton Youth both tribal and non-tribal according to the Elementary and Secondary Education Act (ESEA)
- B. Recognition of education provider. The Sisseton-Wahpeton Oyate is committed to working cooperatively with all education providers on the reservation and serving the Sisseton-Wahpeton Youth to assure the achievement of educational goals set by the Sisseton-Wahpeton Oyate.
- C. The Sisseton-Wahpeton Oyate has the sovereign authority to pass Tribal Laws that 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.
- D. Authority of Council to negotiate agreements to implement the 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 federal, state, and other tribal governments, or their political subdivisions, any agreements necessary to implement the policies and provisions of this Tribal Education Code.

- E. 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 Tribes. 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, including but not limited to the obligation to provide a non-discriminatory public education.

#### **66-01-04 – PURPOSES**

- A. With the Tribal Education Code, the Sisseton-Wahpeton Oyate hereby acknowledges its duty and responsibility to provide the highest quality education possible to the Oyate people, and hereby declares its policy to ensure that the educational institutions shall provide educational services and opportunities to tribal members and resident Indians which equal or exceed the educational services and opportunities provided by the agencies of the State of South Dakota and the federal Government. In addition, the Sisseton-Wahpeton Oyate declares its policy to promote the Dakota language, culture and values through all tribal education institutions. The Tribal Education Code will serve the following purpose:
1. Provide excellent education and preparation for life. Provide appropriate education for the Sisseton-Wahpeton Oyate and provide a means to prepare tribal members for life on and off the reservation;
  2. Assess the educational status and develop education goals to improve education on the Reservation by developing programs and policies tailored to address identified areas of need; through collaborative effort between the educational institutions and the Tribal Education Department; assisting and providing information to the educational institutions.
  3. Adopt laws and policies which enable tribal decision-making, direct funding, block grant funding, set-asides and other improvements. The Treaty of 1867 provides the tribe with the authority to establish educational institutions for the betterment of the people of the Sisseton-Wahpeton Oyate, including the adoption of laws and policies which enable tribal decision-making, direct funding, block grant funding, set-asides and other improvements.

#### **66-01-05 – DEFINITIONS**

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

- A. Academics Standards – are minimum learning goals for what student(s) should know and be able to do at each grade level in a given subject area.
- B. Alcohol, nicotine and drugs – any substance that may alter the sensorium, including but not limited to: alcoholic drinks, nicotine, tobacco and tobacco related products, drugs regulated by or controlled under federal or tribal law.

- C. Accredited – is a quality control process by which educational institutions are evaluated and verified by an external body to determine whether recognized and applicable standards and operations which meet or exceed the minimum requirements by an accrediting body, such as, Commission for Oceti Sakowin Accreditation (COSA), South Dakota State Department of Education (SDDOE), Cognia, North Central Accreditation, Council on Accreditation (COA) After School, and National Accreditation of Education of Young Children (NAEYC) FACE Program are met.
- D. Charter(ed) – A Charter is a document granting certain specified rights, powers, privileges, or functions from the sovereign power of the Sisseton-Wahpeton Oyate to the schools on the Lake Traverse Reservation.
- E. Code – Education Code of the Sisseton-Wahpeton Oyate.
- F. College – Sisseton-Wahpeton College.
- G. Compulsory age – is age 5 up to 18 years of age when a child shall be enrolled in a K-12 accredited school.
- H. COSA - Commission for Oceti Sakowin Accreditation – an established accreditation of tribal schools located within the Lake Traverse reservation boundaries approved by Council.
- I. Culture – 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.
- J. Curriculum – a planned, ongoing, and systematic instructional program provided for students, in which goals and objectives are clearly articulated.
- K. Education Board of Regents – a committee of people established for the general governance of all educational activities within the Tribe, to provide guidance to the Tribal Education Department.
- L. Educational data or data – is any information pertaining to students and educational institutes which uses the four lenses – growth, consistency, equity and standards. 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.
- M. Educational Institution – a program providing formal accredited education within the boundaries of the Lake Traverse Reservation.
- N. Education standards – are minimum levels of performance and expectations that educational institutions attain, or minimum requirements that educational institutions meet.

Educators – All education professionals and paraprofessionals working in schools including principals or other heads of a school, teachers, other professional instructional staff, pupil support services staff, guidance counselors, nurses, speech pathologists, other administrators, assistant principals, discipline specialists, and paraprofessionals, assistant teachers, and instructional aides.

- O. Equally Qualified – the qualifications are equal to the educational personnel, to include experience and other qualities defined by the local school boards, policy council and board of trustees.
- P. Excused Absence – an excused absence meets one or more of the following:
  - 1. Personal Illness.
  - 2. Homeschool, homebound, or other approved program.
  - 3. When a student’s physical or mental condition is such to render attendance at school unsafe, impractical, or harmful to self or others. Evidence of such condition is a certificate from a physician, dentist or other person who may lawfully treat sickness or disease or a certificate of a mental health professional or at the discretion of superintendent.
  - 4. Prior approved Dakota cultural activities.
  - 5. Death in family.
- Q. Governing body of tribal educational institutions 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 to tribal school boards.
- R. Governing body of the Head Start Program – The Governing Body of the Head Start Program is the Tribal Council.
- S. Head Start Policy Council - the formal group of parents and community representatives required by the Grantee (Sisseton- Wahpeton Oyate) to assist in decisions, provide oversight about the planning, staffing and operation of the Head Start program.
- T. Homebound – due to medical need, a child who is educated outside the classroom but receives instruction from the school of record.
- U. Homeschool – educating one’s children at home instead of sending them to school.
- V. 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.
- W. Jurisdiction - the official power to make legal decisions and judgments.
- X. Lake Traverse Reservation – the boundaries setup in the 1867 treaties which gives the Sisseton Wahpeton members the rights to the lands outlined in that treaty.



- Y. Mandatory Attendance – all students who are 5-18 years of age and have not graduated from a K-12 accredited school are required to attend 90% of the school year.
- Z. Oyate or “Tribe” - the Sisseton-Wahpeton Oyate and includes the Sisseton-Wahpeton people as a distinct cultural, ethnic, geographical, and political entity.
- AA. Parent – is anyone who is a parent, grandparent, legal guardian, or custodian of a student.
- BB. Parenting and family life – 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, neglect and related topics.
- CC. Policies and procedures regarding school governance – educational policies and procedures prescribed under federal, state, and tribal law, as applicable.
- DD. Public school – any school funded or controlled by the South Dakota Department of Education offering grades Pre-Kindergarten through twelfth, or any part of this span.
- EE. Reservation – 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.
- FF. School Policy – School Board adopted statement(s) that governs school actions.
- GG. School – a place, institution, or process for formal teaching and learning.
- HH. School Board – the authorized governing or advisory body responsible for developing and maintaining educational institutions, and for providing educational opportunities and services.
- II. Sisseton-Wahpeton Youth – any child or young adult enrolled in Pre-Kindergarten through College, who is enrolled or eligible for enrollment in the Sisseton-Wahpeton Oyate.
- JJ. Student – anyone who is officially enrolled in a school.
- KK. Tribal Constitution or Constitution - the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate.
- LL. Tribal Council or “Council” - the Sisseton-Wahpeton Oyate Council.
- MM. Tribally Chartered Off Reservation School – a written agreement between the off reservation school and the tribe.
- NN. Tribal School – any education program chartered or approved by the Tribal Council or the Oyate offering education up to grade twelve (12). Tribal school includes, but is not limited to chartered educational institutions, chartered educational programs, adult/parent education and early childhood programs.
- OO. Tribal Secretary or “Secretary” - Tribal Secretary of the Sisseton-Wahpeton Oyate.

- PP. Tribal Government – the official government of the Sisseton-Wahpeton Oyate.
- QQ. Truancy – A student being absent from school which results in under 90% attendance of total scheduled school days.
- RR. Unexcused Absence – an absence from school that does not qualify as excused.

#### **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 part of this Tribal Education Code is invalidated by a court of competent jurisdiction, all valid parts that are severable from the invalid portion remain in effect. If a part of the Code is invalidated on one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid application.

#### **66-01-10– REPEAL OF INCONSISTENT ORDINANCES**

All education ordinances, resolutions, and other laws inconsistent with this Tribal Education Code are repealed. To the extent that the Tribal Code provides any other tribal law regarding education, this Code shall govern.

#### **66-01-11 – FINDINGS AND DECLARATIONS**

##### **A. The Sisseton-Wahpeton Oyate declares the following:**

1. The Sisseton-Wahpeton Oyate is a sovereign Indian tribe, and the United States Government has recognized the inherent sovereignty of the Tribe in the Treaty of 1867 and throughout history in dealings between the sovereigns;
2. The United States Government has a sacred trust relationship with and corresponding responsibilities to the Indian nations and tribes, including the duty to provide for the educational needs of the Indian people;
3. In the Treaty with the Sioux – Sisseton and Wahpeton Bands, 1867, the United States expressly undertook to provide for the educational needs of the Sisseton-Wahpeton Oyate;

4. In recent years, the United States Congress has reaffirmed and recognized its trust duties in the Indian Self-Determination and Educational Assistance Act of 1975, the Tribally Controlled Schools Act of 1988, and related federal statutes; and
5. To realize the full potential of its sovereign authority and the benefits of the trust relationship with the United States, to preserve tribal languages and cultures, and to provide its people with a full and fair opportunity to develop their ideas, skills and personal potential, the Sisseton-Wahpeton Oyate must implement its own tribal standards of education which equal or exceed state or federal standards and at the same time serve to promote the traditional values of the Sisseton-Wahpeton Oyate.

**B. The Tribal Council of the Sisseton-Wahpeton Oyate further finds and declares that:**

1. High quality education is critical to the future of ourselves, our children and unborn generations, and it is the concurrent duty of the United States and the Sisseton-Wahpeton Oyate to provide the highest quality of education for all people;
2. 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 the inherent responsibility to its people to oversee their education and to assure a high quality of education is provided;
3. Since education is, in part, the transmission of culture and values, formal education programs within schools and other educational institutions chartered or operated by the Sisseton-Wahpeton Oyate shall include the teaching of the native language, culture and values. An appropriate formal education will include the following elements:
  - a. The ability to speak or write the native languages, skills and knowledge of Sisseton-Wahpeton Dakota culture, civics, government, history, economics, traditions and environment;
  - b. Knowledge of the Dakota Oyate and other Indigenous Native American history;
  - c. The development of tribal and United States citizenship;
  - d. 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;
  - e. An attitude toward education which encourages lifelong learning;
  - f. Preparation for lifelong responsibilities in the areas of employment, family life, recreation and use of leisure;
  - g. Positive self-discipline and self-concept;
  - h. The formulation of age, grade, and/or developmentally appropriate competencies in all basic areas of academic and cognitive skills;

- i. Competence in English Language skills and knowledge of non-native American culture, government, economics, and environment;
4. 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;
5. 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 and educational institutions; school boards and administration, and shall incorporate the intents, purposes and policies of this Code;
6. The Tribal Government shall develop cooperative working relationships with the state and federal governments to improve the education systems on the Lake Traverse Reservation;
7. 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;
  - a. These declarations are in accord with the policies of the Congress of the United States, which recognize a primary means by which a child learns is through the use of such child's native language and cultural heritage, and instructional use and development of a child's non-English native language promotes student self-esteem, subject matter achievement and English language proficiency;" 20 U.S.C. 3282 ("Bilingual Education Act");
  - b. Indeed, the Secretary of the Interior has been directed by Congress to "consider the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe" in promulgating educational standards for Bureau of Indian Affairs Schools; 25 U.S.C. 2001; and to fulfill this statutory mandate, the Bureau of Indian Affairs has declared its policies to "provide for a comprehensive multi-cultural education program including . . . teaching and learning strategies that will reinforce, preserve and maintain Indian. . . languages, cultures, and history;" 25 C.F.R. 32.4 and (7). In keeping with Article 27 of the International Covenant on Civil and Political Rights of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations, the Sisseton-Wahpeton Oyate declares all persons within tribal jurisdiction belonging to racial, ethnic, political or linguistic minorities shall not be denied the right to enjoy their own culture, practice their own religion, or use their own language.

## **CHAPTER 2 – TRIBAL COUNCIL**

### **66-02-01 – TRIBAL COUNCIL ESTABLISHES EDUCATION BOARD OF REGENTS**

The Tribal Council established the Board of Regents.

## **66-02-02 – APPORTIONMENT**

The Tribal Council may 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 PROGRAM**

The Tribal Council shall determine the annual budget for the Higher Education Program. The program shall be managed by the Higher Education Director under the direction of the Tribal Secretary.

## **66-02-04 – ACCREDITATION**

The Tribal Education Department, in consensus with Board of Regents, will make a recommendation to the Sisseton-Wahpeton Oyate Tribal Council for the approval of accreditation processes for the tribal educational institutions within the boundaries of the Lake Traverse Reservation. The Tribal Education Department 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.

- A. Commission for Oceti Sakowin Accreditation (COSA) is the Tribal Council approved accreditation for tribal schools on the Lake Traverse reservation.
- B. If any tribal education institution has been unaccredited for more than one (1) year, it is subject to one (1) or more of the following measures, as determined by the Sisseton-Wahpeton Oyate Council:
  - 1. The Sisseton-Wahpeton Oyate Council shall appoint an administrator of the tribal education institution until the school becomes accredited;
  - 2. The tribal education institution, with the approval of the Sisseton-Wahpeton Oyate Council, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the tribal education institution with a college or university located in this state; and/or
  - 3. The tribal education institution shall be closed.

## **66-02-05 – TRIBAL COUNCIL TO EMPLOY DIRECTOR OF EDUCATION**

The Tribal Secretary 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 in Agency Village.

**A. Qualifications and salary of Director**

The Tribal Secretary in concurrence with the Board of Regents shall establish the qualifications. The salary of the Director of Tribal Education will be set by the Tribal Secretary according to the budget. 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 Education.

**C. Director to employ qualified staff of Tribal Education Department**

1. 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.
2. 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.
3. The Director shall ensure that the Tribal Education Department staff is qualified and receives appropriate professional training.
4. The Staff will possess favorable background reports according to the Indian Child Welfare Act and other applicable statutes.

## **CHAPTER 3 – BOARD OF REGENTS**

A committee of seven (7) people established to ensure compliance and provide guidance of all educational activities within the Tribe. Working with the Tribal Educational Department (TED), to establish educational policies, codes and goals to continue improvement of educational quality for members of the Lake Traverse Reservation. The Board of Regents consists of the Tribal Secretary, Tribal Education Department Director, Director of the Cultural Preservation Committee, the College President, the TZTS Superintendent, the ESDS Superintendent, and the Head Start Director.

### **66-03-01 – DUTIES AND FUNCTIONS OF THE BOARD OF REGENTS**

- A. Concur with the Secretary on the qualifications of the Tribal Education Director
- B. Ensure compliance of COSA seven (7) areas of accreditation and PL 100-297 by Tribally Controlled Schools.
- C. Provide guidance with a periodically review of the mission, vision, goals, short and long range planning objectives of the Tribal Education Department.

- D. Approve all Tribal Educator Certifications awarded by the Tribe.
- E. Approve cost of Tribal Educator Certification and recertification by Tribal Educators.
- F. Attend a minimum of four (4) meetings yearly.
  - 1. Recommend broad policies for the Tribal educational institutions for consistency.
  - 2. Ensure that all Tribal schools on the Lake Traverse Reservation have current accreditation in place.
  - 3. Ensure that all annual reports, state of education, and tribal consultation reports are submitted.
  - 4. Set penalties for non-compliance.

## **66-03-02 – AUTHORITY OF THE BOARD OF REGENTS**

The power and authority of the Board of Regents is to provide oversight to the Educational Department and Educational entities as it is given by the Sisseton-Wahpeton Oyate Council and in the school charters.

### **A. Ensure compliance of Sisseton-Wahpeton Oyate Education Laws**

#### **1. Non-compliance**

#### **Written Warning – Letter of Corrections (Tribal Education Department Director)**

- i. Failure to Comply – Official Notice (Board of Regents/Sisseton-Wahpeton Oyate Secretary/Tribal Council)
- ii. Board of Regents will recommend to Tribal Council to invoke penalties or sanctions and/or up to which may include revocation of school board charter.
- iii. Any appeals will go to Tribal Council.

## **CHAPTER 4 – TRIBAL EDUCATION DEPARTMENT**

### **66-04-01 – FUNCTION OF TRIBAL EDUCATION DEPARTMENT**

**The Department of Education shall work collaboratively with Educational Entities to:**

- A. Establish programs to provide resources and supportive services to Tribal members in support of their educational goals;
- B. Provide for effective communication and dissemination of Education information to the Tribal population;

- C. Promote competence in Dakota language, and knowledge of Dakota culture, traditions, history, government, economics and environment;
- D. Provide quality management and monitoring of educational systems ensuring education is effective, appropriate, and relevant to provide a means to prepare tribal members for life;
- E. Provide opportunities for collaboration between all education providers and youth programs;
- F. Develop strategies to improve retention and graduations rates at all levels of education;
- G. Actively pursue funding and resources needed to provide effective educational programming and addressing the factors that influence learning;
- H. Provide certification to the tribal educators;
- I. Work collaboratively with all education providers for the attainment of academic excellence and high realistic, expectations for all students; and
- J. Develop and support the implementation of tribal education standards in the tribal education institutions.

#### **66-04-02 – AUTHORITY OF THE DIRECTOR**

The Director shall be the primary administrator and ensure compliance 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. Duties**

##### **The Director Shall:**

1. oversee the administration and operation of the Department of Education's functions and support of 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 principal technical and 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 Lake Traverse Reservation through meetings with school administration, educators, personal appearances at public gatherings, research, planning, and evaluation of education service;
4. seek and coordinate tribal and non-tribal resources to implement this Tribal Education Code to improve the conditions, needs, and progress of education on the Lake Traverse Reservation.
5. 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 not



protected by the Family Educational Rights and Privacy Act (FERPA) and other confidentiality laws.

6. following Family Educational Rights and Privacy Act (FERPA), establish a uniform system for gathering, compiling and reporting educational data from educational institutions, the tribal government, the state and federal governments. The Tribal Education Department shall evaluate the data and work to improve the conditions, needs and progress of education on the Reservation. The system shall include but not be limited to:
  - a. receive and examine 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 Tribal Education Department shall specify a format for reporting educational data from the state and educational institutions;
  - b. call and conduct a network meeting at least twice a year for discussion on education and youth needs;
7. To coordinate with BIE review to conduct an on-site visits every three (3) years with a team. A team may include the Director of the Tribal Education Department, the Tribal Secretary, a member of the Education Board of Regents, and a staff from the Tribal Education Department; and an on-site review report will be provided to the school's Board and Administration for strategic planning and improvement.
8. provide an annual report regarding the state of education to include conditions, needs and current progress of education on the Lake Traverse Reservation and shall include the Director's recommendations on needed Tribal education legislation and needed Tribal action on behalf of education.
9. communicate the Tribal Education Code to boards, governing bodies, and administrators.
10. act as a 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.

**B. Coordinate the services and activities of the Tribal Education Department and negotiate cooperative agreements**

1. The Director is authorized to negotiate cooperative agreements between the Tribal Education Department 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 Tribal Education Department.

**C. Hire or contract with consultants**

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

**D. Update Tribal Education Standards**

1. The Director shall recommend updates and changes to the Tribal Education Standards as needed.

**E. Tribal orthography**

1. The Director shall recommend updates to the tribal orthography as needed.

**F. Authority to evaluate the usage of the tribal curriculum, education standards and assessments used by the tribal educational institutions.**

1. The Director shall assist the Tribal educational institutions in the usage of the tribal curriculum, Tribal Education Standards, assessments and reporting as needed. The Director shall evaluate utilization as part of the data gathering provisions of this Code.

**G. Develop and encourage tribal educational policies, procedures and programs and evaluate the usage by the tribal educational programs**

1. The Director shall develop and support tribal educational policies, procedures and programs in the areas specified and in accordance with this Code.
2. The educational policies, procedures and programs will comply with the requirements of the Commission for Oceti Sakowin Accreditation (COSA).
3. The Director shall monitor usage by the tribal educational institutions serving Tribal children with the Tribal education policies, procedures and programs as part of the data gathering process.

**H. Work cooperatively to review budget estimates of and appropriations for the tribal educational institutions and other educational institutions on the Lake Traverse Reservation.**

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

**I. Report and consult with the Tribal Secretary**

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

**J. Data collection and reporting**

1. The Director will recommend that all tribal education institutions review education data and assessments on a quarterly basis. All Education institutions on the Lake Traverse Reservation will attend the Tribal Council Education Day and provide a report.
2. The Director will submit an annual report which will include the state of the education on the Lake Traverse Reservation.

**K. Educational Resolutions**

1. The Director will submit educational resolutions to the Sisseton-Wahpeton Oyate Council for approval.

**66-04-03 – BUDGET PREPARATION AND FISCAL MANAGEMENT RESPONSIBILITY**

**A. Director to prepare Tribal Education Department budget**

1. The Director shall annually prepare a written budget for the operation of the Tribal Education Department.

**B. Director to be responsible for the proper management of annual Tribal Education Department appropriation**

1. The Director shall be responsible for the proper management of the annual appropriation for the operation of the Tribal Education Department.

**66-04-04 – INTERNAL ORGANIZATION**

The Sisseton-Wahpeton Oyate will collaborate and work with all education related entities under a Department of Education according to an organizational chart.

**The Department of Education shall:**

- A. Consist of a Director of Education and such divisions, branches, and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.
- B. Employ professionals, and support personnel, and/or contract with professional service firms as determined consistent with the Oyate's financial policies, other laws of the Oyate, and the Legislative approved budgetary authority.
- C. Maintain a current organizational chart.

**CHAPTER 5 – TRIBAL SECRETARY**

**66-05-01 – TRIBAL SECRETARY HAS OVERSIGHT**

**A. The Tribal Secretary shall:**

1. Employ Director of Tribal Education Department

Shall establish Director's qualifications and job advertisement.

**2. Approve all Tribal Education staff qualifications, job descriptions, and reports**

**3. Review regular reporting by the Education Director**

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 State of Education Report as provided in this Code.

**4. Make regular reports on education to the Tribal Council**

The Tribal Secretary shall make a monthly report to the Tribal Council regarding education issues including progress, needs, data and issues that need Tribal Council action.

**5. 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 this Code.

**6. Contracts and agreements with consultants**

The Tribal Secretary shall review contracts and agreements recommended by the Director.

**7. Review and recommend policies and programs**

The Tribal Secretary shall review and recommend to Tribal Council policies and programs for the Education Department.

## **CHAPTER 6 – SCHOOL BOARDS AND GOVERNING BODIES**

### **66-06-01 – GOVERNING BODIES OF TRIBAL EDUCATION INSTITUTIONS**

**A. Establishment of governing body.**

1. Tribal Council shall establish governing bodies of tribal 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.

**B. Local control of education encouraged.**

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

**C. Governing bodies of tribal educational institutions shall:**

1. 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.
2. Administration will communicate these policies to staff, students, parents and the Tribal Education Department. School Administration shall implement its policies in a consistent and impartial manner.
3. Cooperate with the Education Board of Regents and the Education Director
4. Ensure that tribal educational institutions attain appropriate standards, curriculum and assessments.

**66-06-02 – NON-TRIBAL SCHOOL BOARDS**

**A. Laws govern state and private school boards serving Sisseton-Wahpeton Children**

1. School boards serving Lake Traverse Reservation children are subject to this Code and other tribal law as specified in this Code.

**B. School boards to cooperate with the Education Director.**

1. School boards shall ensure that their educational institutions and staff cooperate with 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:
2. Providing written educational data to the Tribal Education Department following the format specified; and
3. Ensuring that their educators and administrators participate effectively in the network meetings provided for by this Code.
4. Adhere to the Tribal certification requirements.

**C. School Administration to provide policies and procedures to Tribal Education Department and align them with Tribal Education Code**

1. School boards shall provide a complete and current copy of all existing written policies and procedures regarding school governance to the Tribal Education Department or make the available to public on their websites.

**66-06-03 – TRIBAL EDUCATION DEPARTMENT, ENTITIES AND/OR BOARDS  
BACKGROUNDS**

All elected, appointed or otherwise seated board members of all entities of the Tribal Education Department are required to complete a background check and be adjudicated 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.

## **CHAPTER 7 - TRIBAL CONSULTATION**

### **66-07-01 – TRIBAL CONSULTATION**

#### **A. Coordinate with Education Institutions**

The Director will coordinate with all the education institutions on the Lake Traverse Reservation on the requirements from “The Every Student Succeeds Act” (ESSA) of 2015, Public Law 114-95 – Consultation with Indian Tribes and Tribal Organizations. to arrange the required consultation with the tribe following the Tribal Consultation Process.

#### **B. Coordinate and consult with school boards and governing bodies**

The Director will coordinate and consult with school boards and governing bodies of tribal educational institutions as needed.

## **CHAPTER 8 – ACADEMIC STANDARDS, REQUIREMENTS AND EXPECTATIONS**

### **66-08-01 – TRIBAL ACADEMIC STANDARDS, REQUIREMENTS AND EXPECTATIONS**

#### **A. Educational Expectations.**

Assist with the development of academic standards with educational institutions 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-Native American culture governments, economics, and environment;
4. Competence in Dakota language and knowledge of Dakota culture, government, economics, and environment;

#### **B. Affective Expectations,**

1. Knowledge of the history of the Sisseton-Wahpeton Oyate and the role of tribal members in promoting the future of the Oyate;
2. Promotion of the development of students as healthy individuals, members of families and communities, parents, citizens of the Oyate and the United States;

3. Development of self-discipline and positive self-worth;
4. Development of respect for all other living beings;
5. Development of an attitude which encourages life-long learning, healthy life styles, decision making and undertaking the responsibilities of family life, community and tribal affairs, career development, recreation, and the use of the environment; and
6. 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.

#### **66-08-02 – APPROVAL OF TRIBAL EDUCATION STANDARDS**

The Sisseton-Wahpeton Oyate Council shall approve the Tribal Education Standards as submitted by the Tribal Education Department with concurrence by the Tribal Secretary.

#### **66-08-03– TRIBAL EDUCATION STANDARDS ON FILE**

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

#### **66-08-04 – CONTENT OF DAKOTA CULTURE, TRADITIONS, AND LANGUAGE STANDARDS**

##### **A. Tribal standards shall include instruction in the Dakotah language.**

1. The tribal standards shall include instruction for all grades levels/ages in the Dakotah language. Instruction by tribal educational institutions shall follow the official tribal orthography adopted by the Tribal Council.

##### **B. Tribal standards to include Dakota history, traditions and culture.**

1. 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, the federal-tribal and state-tribal relationships.**

1. 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 Tribal Education Department.

##### **D. Tribal standards to include health and nutrition instruction.**

1. 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, family life and financial literacy.**

**F. Off Reservation Tribal Chartered Schools** will utilize cultural and language standards appropriate to their student bodies while following their state accreditation requirements.

#### **66-08-05 – COMPLIANCE WITH TRIBAL EDUCATION STANDARDS**

Tribal educational institutions on the Lake Traverse Reservation must implement and annually report compliance with the provisions of this Code regarding compliance with tribal standards to the Tribal Education Department.

#### **66-08-06 – EDUCATION DIRECTOR TO EVALUATE COMPLIANCE**

The Education Director shall regularly evaluate compliance by tribal educational institutions. The Sisseton-Wahpeton Oyate gives the Tribal Education Department the authority necessary to perform such evaluations of the tribal educational institutions operating on the Lake Traverse Reservation. The Education Director shall, in the yearly General Council Report, provided to the Tribal Secretary, present its findings and recommendations regarding compliance. The following are compliance reports that will be reviewed:

1. Annual – due end of September
2. Financial Report – due end of each quarter
3. State of Education – due end of October
4. Tribal Consultation Report – due in May

#### **66-08-07 – TRIBAL EDUCATION STANDARDS MAY BE EXCEEDED**

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

#### **66-08-08 – TRIBAL EDUCATION STANDARDS IMPLEMENTATION FOR PUBLIC SCHOOLS.**

Public educational institutions serving tribal members are encouraged to implement the tribal education standards established and approved by the Sisseton-Wahpeton Oyate Council, and mandated by the Every Student Succeeds Act (ESSA) and South Dakota Department of Education.

#### **66-08-09 – INSTRUCTION AND CURRICULUM**

Tribal elementary and secondary educational institutions shall provide instruction relevant policies and regulations pursuant to Chapter 66 Tribal Education Code.

**A. Curriculum**



1. In accordance with Accreditation Standards, to meet grade level and graduation requirements, education institutions must provide the appropriate coursework and curriculum. The educational institutions are required to have plans of study/syllabus/ with scope and sequence, including assessment for all courses.
2. Tribally controlled schools must follow guideline set forth by funding source.

**B. Exceptional Services Programs:**

1. All applicable required federal laws addressing student services such as 504, IEP, ADA, Gifted and Talented, must be adhered to.

**C. Government and History Courses**

1. In tribal educational institutions, course curriculum will be offered which includes Government, including the Constitution of the United States, the Constitution of the Sisseton-Wahpeton Oyate, and the State of South Dakota, the Treaties of 1851, 1858 and 1867, and other relevant statutes, such as the Indian Civil Right Act of 1968. Such instruction shall not begin later than middle school and shall continue into high school.
2. In tribal educational institutions, there will be offered regular courses including curriculum on the history of the United States of America and the history of the Great Sioux Nation, including instruction on the lives and achievements of American leaders and Great Sioux Nation leaders.

**D. Dakota Language, Traditions and Cultural Courses**

1. Status of Dakota Language and Culture.
  - a. Dakota language and culture are vital, and are recognized as a protective factor against a host of social problems. Inclusion of Dakota language and culture within the tribal schools on the Lake Traverse Reservation are a priority. The Congress of the United States has recognized in the Bilingual Education Act, *supra*, complimentary instruction in both native languages and cultures along with the English language and culture enhance overall educational skills and achievement of students.
2. Parental Involvement.
  - a. It is recognized that culture and language is most effective when practiced in the home, so parents and families shall be encouraged to participate in Dakota language and culture. To be involved in the process of education related to Dakota language and culture to the maximum extent possible.
3. Eminent Leaders and Elders.
  - a. It is recognized that among the Sisseton-Wahpeton, there are certain persons who possess knowledge above and beyond those attained by academics with degrees.

Those people endowed with cultural and linguistic knowledge of the Dakota language and culture shall be recognized and shall be used in tribal educational institutions to the maximum extent possible.

4. Dakota Language and Culture Curriculum.

- a. Tribal educational institutions shall offer courses with curriculum concentrations in Dakota language and culture in preschool and continuing through high school.

**66-08-10 – EDUCATION FOR PREVENTION OF CONTROLLED AND ILLICIT SUBSTANCES**

All tribal education institutions will provide opportunity for learning and utilize prevention curriculum on the effects of controlled and illicit substances with the goal of preventing youth from using controlled and illicit substances. The Sisseton-Wahpeton Oyate prevention programs shall work with the schools on the Lake Traverse Reservation to develop and implement prevention curriculum. The prevention curriculum will be consistent with cultural practice, and evidence based standards.

**66-08-11 – SUICIDE PREVENTION**

Tribal Educational institution administration and boards are required to develop policies and procedures, in conjunction with this Code and the juvenile and penal codes, regarding suicide prevention and reporting. Policies and procedures should include staff professional development; prevention programming; public distribution plan; assessment and referral process for students; intervention, which is a plan for addressing suicides and suicidal behavior; and notification to parents and parental involvement.

**66-08-12 – SOCIAL EMOTIONAL LEARNING**

Tribal Education institutions on the Lake Traverse Reservation or chartered with Sisseton-Wahpeton Oyate will provide educational opportunities for holistic learning and the development of well-rounded children. This education will include, but is not limited to: resiliency skills, protective factors, conflict resolution skills, social skills, emotional development, citizenship skills, leadership skills, protecting and taking care of the earth and positive relationship skills.

**CHAPTER 9 – PARENTAL AND COMMUNITY INVOLVEMENT**

**66-09-01 – INVOLVEMENT ACTIVITIES**

Tribal educational institutions, school boards, non-Tribal educational institutions; and governing bodies shall involve parents and community members.

## **CHAPTER 10 – EDUCATORS**

### **66-10-01 – QUALIFICATIONS**

Educators in tribal educational institutions shall be qualified in their teaching assignment according to tribal law, certification, and other applicable requirements. Tribal 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 Tribal Education Department as set forth in this Code.

### **66-10-02 – PROFESSIONAL DEVELOPMENT**

The Tribal Education Department shall consult and coordinate with tribal school boards, governing bodies and the Sisseton-Wahpeton College in identifying professional development opportunities. The Tribal Education Department and the College may develop and make available accredited courses for certification and recertification of tribal educators. The courses may satisfy the requirements of both Tribal Teacher Certification and Accreditation.

### **66-10-03 – COMPETENCY GUIDELINES AND EVALUATION**

Tribal educational institutions shall evaluate staff according to their personnel policies.

### **66-10-04 – CERTIFICATION**

All educators that are employed by the Tribal Educational institutions on the Lake Traverse Reservation shall possess Tribal Certification. Tribal Educators applying for certification must complete the Sisseton-Wahpeton Tribal Educator Application, pay applicable fees and meet all background and language/culture requirements. Tribal Educators who meet all requirements will be certified by the Sisseton-Wahpeton Oyate.

### **66-10-05 – RECERTIFICATION**

The recertification cycle will be:

- 2 Year Temporary
- 7 Year Early Childhood
- 7 Year Professional
- 10 Year Paraprofessional

### **66-10-06 – FEE FOR CERTIFICATION AND RECERTIFICATION**

A fee will be set by the Board of Regents.

**66-10-07 - COMMISSION FOR OCETI SAKOWIN ACCREDITATION (COSA)  
REQUIREMENTS (NUMBERING ACCORDING TO OCETI SAKOWIN ACCREDITATION  
WEBSITE)**

- 2.7 All teaching employees have a credential or certification from a state, meet regional accrediting standards, meet national or federal standards or regulations, or, in specialty areas such as art or tribal languages, have a portfolio of educational, personal, or professional evidence that reveals they are fully qualified to perform the duties assigned to them.
- 2.8 The educational administration of the school will evaluate the professional performance of each member of the staff and results of the evaluation are privately shared with persons evaluated, and plans of assistance, as needed.
- 2.9 The school conducts staff evaluations, as determined by years of service, and maintains confidentiality of individual staff evaluations.
- 2.10 Staff members are in sufficient number as to effectively perform all educational and administrative functions of the school. No staff member is regularly overloaded.
- 2.11 All school personnel will follow and adhere to federal and tribal background requirements upon employment to be renewed every five (5) years.

**CHAPTER 11 – INDIAN PREFERENCE**

**66-11-01 – TRIBAL EDUCATIONAL INSTITUTIONS TO APPLY INDIAN PREFERENCE**

Tribal 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. Indian preference means equally qualified in education, experience, and other qualities for professional and paraprofessional positions. The qualifications are equal to the educational personnel, to include experience and other qualities defined by the local school boards, policy council and board of trustees.

**CHAPTER 12 – STUDENTS**

**66-12-01 – STUDENT RIGHTS**

Tribal education institutions shall ensure that the constitutional, statutory, civil and human rights of students, including a respect for tribal judicial systems, are respected and preserved. For example, ensuring that students have the right to be free from cruel and unusual punishment, exercise freedom of religion, speech and the press; and have the right to be free from unreasonable search and seizure.

## **66-12-02 – MANDATORY ATTENDANCE**

A child from age five (5) up to age eighteen (18) must be in attendance in school 90% of total scheduled school days or participating in school sanctioned remote learning sessions.

## **66-12-03 – SCHOOL MEMBERSHIP**

### **A. Compulsory School Attendance**

#### **1. Parents:**

- a.** Parents, guardians or custodians having charge or control of a child attending school on the Lake Traverse Reservation from age of five (5) up to age eighteen (18) must continuously have their child enrolled and attending school 90% of the school year.
- b.** All tribal members residing on the Lake Traverse Reservation are subject to tribal law and enforcement of the law by the agents and employees of the Sisseton-Wahpeton Oyate.

#### **2. Students:**

- a.** Students are required to be enrolled and attending 90% of the school year or be enrolled in an alternative educational program leading to a high school diploma or General Equivalency Degree (GED).
- b.** Participate in school to the fullest extent of their capabilities.

### **B. Mandatory Attendance**

- 1.** The parent, guardian, or custodian of a child shall notify the educational institute of the reason for each known absence of the child, in accordance with the tribal law. No person shall encourage, entice or recommend any child of compulsory school age to be unlawfully absent from school. Violation of this subsection will result in mandatory interventions of family services through Tribal programs.
- 2.** Excessive absences during a school year is defined as more than 10% of the days absent from school or failure to log into virtual learning for 10% of the school year.
- 3.** Education institution will notify Truancy Officer and must file a Failure to Attend according to the school policy.
- 4.** After attendance reaches less than 90% the Tribal Court will be notified by the Tribal Education Department for further intervention, follow-through and/or action(s). The education institution will provide all documentation of communication to parent, guardian, or custodian from the education institution and copies of documentation provided to the Tribal Education Department and/or truancy office regarding the absences.

### **C. TED Truancy Restoration Circle:**

1. Truancy Interventionist may be hired by TED for both the student or parents to provide daily coaching or encouragement by phone, text or socially distancing in-person visits.
2. The Sisseton-Wahpeton Oyate Council may appropriate funds as necessary to support the costs of the Peer Mentors or Truancy Interventionists and to address any unmet needs the family may have that are impediments to the student learning and attending in-person or online classes.

**D. Truancy Court:**

1. There is hereby established a special Truancy Court in the Sisseton-Wahpeton Oyate Court system to address the increased truancy problem.
2. Upon request of either the Child Protection Program Manager, Court personnel or the Education Director, the SWO Prosecutor shall file a complaint for Failure to Attend School in the Truancy Court against the parent, custodian or guardian of the child who is not in compliance with the in-person attendance or virtual learning policies.
3. The Truancy Court Judge, or his or her designee, shall meet with the parents, custodians or guardians and students to devise a court mandated plan to address ongoing chronic truancy issues.
4. The Truancy Court Judge, or his or her designee, shall meet with the family at the minimum once monthly to provide ongoing monitoring of the student's progress.

**E. Penalties**

1. Violation penalties the Truancy Court may impose for failure to send children in grades K-12 to school are:
  - a. **Parents/Guardians:** Violation penalties for failure to send children in grades K-12 to school shall include the following:
    - i. First Violations for a Parent's failure to send their children to school or participate in online classes may include:
      - a) Compulsory attendance in Parenting Classes that may be completed on-line or in-person. The Truancy Court may order that documentation of Completion of Parenting Class will be provided to the court system.
      - b) Mandatory Community service at the educational institute the children are enrolled in or at the Tribal Education Department. Background and safety policies shall be adhered to by a volunteer. The Truancy Court may order that Documentation of participation will be provided to the court system

- ii. Second Violations for ongoing, willful offenses in violation of Truancy Court orders by Parents who fail to send their child(ren) to school or adhere to homeschool/virtual learning guidelines may result in a Class E Misdemeanor. Sentences may range from one (1) day to a maximum five (5) days incarceration, with a maximum \$50.00 fine, and/or both.
- iii. Repeated Violations for failure to send children to school with repeated offenses (3 or more offenses). Any person who shall willfully and unlawfully fail to send their child(ren) to school or to adhere to homeschool/virtual learning guidelines shall be deemed guilty of a Class 1 Misdemeanor. Sentences may range from one (1) day to a maximum five (5) days incarceration, with a maximum \$500.00 fine and/or or both.

**b. Students:** Violation penalties for students who refuse to attend in-person or online classes that may be ordered by the Truancy Court include:

- i. Mandatory participation in Peer Mentoring
- ii. Supervised volunteering (1 hour for each hour of class missed) for up to two (2) semesters.
- iii. Supervised probation until the student demonstrates a clear pattern of in-person or on-line school attendance.
- iv. Mandatory tutoring (if failing classes).
- v. Mandatory enrollment in summer school (for failing classes).

## **66-12-04 – TRUANCY**

### **A. Truancy Interventionist**

- 1. The Sisseton-Wahpeton Oyate shall employ one (1) or more truancy interventionist(s) or School Resource Officers whose responsibilities shall include enforcing the attendance provisions of the tribal education, penal and the juvenile codes.

### **B. Truancy Interventionist Duties**

- 1. Will maintain necessary records ensuring confidentiality of students and their families.
- 2. To communicate and network with area schools on the Lake Traverse Reservation and the Tribal Education Department on habitual attendance concerns.
- 3. To work directly with students who are truant.

## **66-12-05 – TRIBAL EDUCATIONAL INSTITUTION RESPONSIBILITIES**

Each Tribal Educational institution administration and board are required to develop policies, in conjunction with this code, and the juvenile and penal codes, and attendance.

## **66-12-06 – MANDATORY REPORTING**

All Tribal Educational Institution administration, boards and staff are mandatory reports regarding reporting child abuse and neglect.

## **66-12-07 – REPORTING**

Tribal Educational institutions shall submit comprehensive report (PL100-297 Report) to the Tribal Education Department. The following are compliance reports that will be reviewed:

1. Annual – due end of September
2. Financial Report – due end of each quarter
3. State of Education – due end of October
4. Tribal Consultation Report – due in May

## **CHAPTER 13 HOMESCHOOL**

### **66-13-01 – RESPONSIBILITIES FOR HOMESCHOOL**

#### **A. Parents/guardians Responsibilities**

1. Homeschool children on the Lake Traverse Reservation must follow the current South Dakota Department of Education homeschool laws, which includes:
  - a. Submit an application to local public school official – before school starts and on a yearly basis.
  - b. Keep records of child's attendance and academic progress
  - c. Provide instruction that is equal to or more than the amount of time provided by the schools
  - d. Instruction must include the subjects of Language Arts and Mathematics
  - e. Children will need to take a standardized test at certain grade levels
  - f. A person may not teach more than 66 children in a homeschool

#### **B. Public School District Responsibilities**

1. Review and file the exemption form SDCL -13-27-7
  - a. Must be done yearly
  - b. Copies of the form must be mailed to the Department of Education and to the location of the homeschool.



- c. Track home school students in the Student Information Management System (Infinite Campus System).
- d. Loan textbooks to all students ages five (5) to nineteen (19) without charge.
- e. Keep test score records
- f. Mandatory testing
  - i. Provide materials to accommodate all students in grades 4, 8, and 11 who are being homeschooled within the district.
  - ii. Contact parents with information on testing window and when *you* will distribute materials.
  - iii. When results come back to the district, distribute to home school parents and keep a copy on file with other public school exemption resources.
  - iv. If students show less than satisfactory academic progress, the school board may refuse to renew the child's certificate of excuse.

## **C. Department of Education Responsibilities**

### **1. State**

- a. Provide exemption notification form and keep it on file
- b. May investigate and determine whether instruction is being provided
  - i. May inspect records of homeschool program if probable cause exists that the program may not be in compliance.
  - ii. Records are limited to attendance and academic progress.

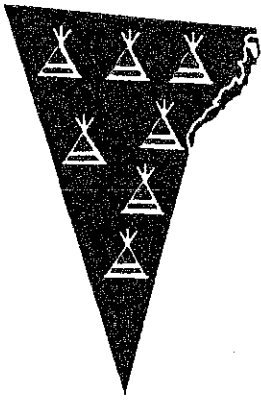
### **2. Tribal Education Department**

- a. Provide support to parents and students in the form of recommendations of educational materials and supplies,
- b. Monitor attendance so it is aligned with school of record,
- c. Monitor progress of students, as needed,
- d. Make recommendations to South Dakota DOE, as needed, to discontinued home school.

## **CHAPTER 14 HIGHER EDUCATION**

### **66-14-01 – SISSETON WAHPETON COLLEGE**

The Director shall work with Sisseton Wahpeton College to develop accredited tribal certification and recertification courses for educators to comply with the requirements of the accreditation. The Director shall work with the College regarding research for improving education on the Lake Traverse Reservation, and promoting leadership in education on the Lake Traverse Reservation.



# Sisseton - Wahpeton Oyate

## LAKE TRAVERSE RESERVATION

PO BOX 509 • 12554 BIA HWY. 711  
AGENCY VILLAGE, SOUTH DAKOTA 57262-0509  
PHONE: (605) 698-3911

### TRIBAL COUNCIL RESOLUTION NO. SWO-23-027

#### Amendments to Chapter 66 – SWO Education Code

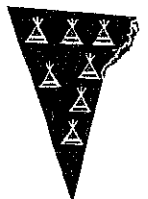
**WHEREAS,** The Sisseton-Wahpeton Oyate is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966, and last amended effective November 15, 2006; and

**WHEREAS,** The Constitution ARTICLE III, Section 1, states that, the Sisseton-Wahpeton Oyate shall be governed by a Council, and ARTICLE VII, Section 1, states that, the Council shall have the following powers: (a) to represent the Tribe in all negotiations with Federal, State and local governments; (b) to acquire, own, use, manage, lease and otherwise encumber and to dispose of Tribal property, both real and personal, wherever situated; (c) to engage in any business that will further the economic development of the Tribe and its Members, and to use Tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (e) to hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services; (f) to deposit Tribal funds to the credit of the Tribe, without limitations of the amount in any account; (g) to take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the for-going purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Oyate; (i) adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and

**WHEREAS,** The Sisseton-Wahpeton Oyate has the sovereign authority to pass laws applying to local educational institutions and other educational institutions, and such laws shall apply to the maximum extent within the jurisdiction of the Sisseton-Wahpeton Oyate; and

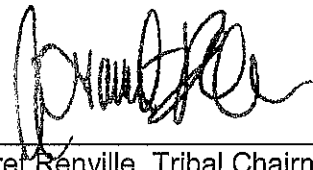
**WHEREAS,** The Sisseton-Wahpeton Oyate has the inherent right to exercise its responsibility to the Sisseton-Wahpeton people for their formal education by enacting and implementing a tribal education code applicable to educational institutions within the Lake Traverse Reservation and to educational programs receiving significant funding for the education of Sisseton-Wahpeton Oyate youth, both tribal and non-tribal institutions, according to the Elementary and Secondary Education Act ("ESEA"); and

- WHEREAS,** The education of Sisseton-Wahpeton Oyate members is vital to the cultural and economic existence of the Sisseton-Wahpeton Oyate and the Education Code is enacted pursuant to the inherent sovereign authority of the Sisseton-Wahpeton Oyate in accordance with the Treaty with the Sioux – Sisseton and Wahpeton Bands of 1867, the Constitution of the Sisseton-Wahpeton Oyate, and applicable federal lands; and
- WHEREAS,** In recognition of the strong connection between tribal sovereignty and educational self-determination and the vital importance of Dakota language and culture for our future as people, the Tribal Council of the Sisseton-Wahpeton Oyate enacted a Tribal Education Code to provide for the highest quality of education and to promote and preserve our Dakota language and culture; and
- WHEREAS,** The Sisseton-Wahpeton Oyate enacted the current Education Code on May 3, 2013 by Resolution 13-036 and amended the Education Code on November 5, 2014 through Motion #45; and
- WHEREAS,** It has been nearly ten years since the Education Code was enacted and amended, and significant amendments are required to the Education Code to satisfy the needs of the Sisseton-Wahpeton Oyate; and
- WHEREAS,** To ensure that the educational needs of the Sisseton-Wahpeton Oyate are met now and into the future, the Education Department conducted a review of the Education Code, drafted proposed revisions, and presented its recommendations to Tribal Council for consideration; and
- WHEREAS,** The Tribal Council of the Sisseton-Wahpeton Oyate has reviewed and considered the proposed revisions to the Education Code, Ch. 66 of the SWO Code of Laws, and believes that adopting the revised Education Code presented by the Education Department is in the Tribe's best interest.
- NOW, THEREFORE BE IT RESOLVED,** That the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby approves the proposed amendments to Chapter 66 of the Tribal Code enacted via Motion No. 41 on May 3, 2023, as presented to Tribal Council by the Education Department and as reflected in Exhibit A to this resolution.
- FURTHER, BE IT RESOLVED,** That the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby adopts and enacts the amendments outlined in this Resolution and as reflected in the revised Chapter 66 attached to this Resolution as Exhibit A.
- FINALLY, BE IT RESOLVED,** That the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby directs the Ordinance Work Group to finalize Chapter 66 in accordance with Exhibit A, this resolution and applicable procedure.



## CERTIFICATION

*We, the Undersigned duly elected Tribal Chairman and Tribal Secretary of the Sisseton-Wahpeton Oyate Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Oyate Tribal Council, which is composed of 10 members (representing a total of 15 Tribal Council weighted votes and two Executive Committee votes for a total of 17 votes) of whom 9 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, May 3, 2023, by a vote of 14 for, 0 opposed, 0 abstained, 0 absent from vote, 1 not voting, and that said Resolution has not been rescinded or amended in any way.*



J. Garret Renville, Tribal Chairman  
Sisseton-Wahpeton Oyate

ATTEST:



Curtis Bissonette, Tribal Secretary  
Sisseton-Wahpeton Oyate

