

TRIBAL COUNCIL
(AT LARGE)

Nola Taken Alive

Charles Walker

Avis Little Eagle

Kory McLaughlin

Warren Hawk

Jesse McLaughlin

Ira Taken Alive
Vice Chairman



Mike Faith
Chairman

Susan Agard
Secretary

John Pretty Bear
Cannonball District

Brandon Mauai
Long Soldier District

Wayne Looking Back
Wakpala District

Delray Demery
Kenel District

Joe White Mountain Jr
Bear Soldier District

Caroline Thompson
Rock Creek District

Verdell Bobtail Bear
Running Antelope District

Samuel B. Harrison
Porcupine District

PLEASE POST

NOTICE TO PUBLIC

On August 5, 2020 the Standing Rock Sioux Tribal Council approved to post **Title XXXV (35), Education Code, Section 35-603(e)** of the Standing Rock Sioux Tribal Code of Justice for ten (10) days. Pursuant to Title XIX of the Code of Justice, any interested persons may submit comments on proposed amendments on **Title XXXV (35), Education Code, Section 35-603(e)** which the person believes should be amended.

Members of the Judicial Committee, In-House Counsel and counsel retained by the Tribal Court for Code of Justice revisions will accept oral, written and electronic comments until August 22, 2020. You may submit your electronic comments to the following:


Spirit Grey Bull – sgreybull@standingrock.org

If you are receiving this Notice and attachments in your role as District Officer, please post a copy at your local district offices and ensure it is available to other District Officers and District Members. In addition, please have copies available to distribute upon request.

Please note you can also access these proposed amendments to **Title XXXV (35), Education Code, Section 35-603(e) Compulsory Attendance** on the Tribe's website at www.standingrock.org. From the home page, click on Titles, followed by Proposed Changes, and find the link to **Title XXXV (35), Education Code, Section 35-603(e) Compulsory Attendance**.

Dated this 12th of August, 2020.

CONCURRED:


Mike Faith, Chairman
Standing Rock Sioux Tribe

Mike Faith
Chairman

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MEMORANDUM

TO: SPIRIT GREY BULL, PARALEGAL
SRST LEGAL DEPARMENT

FROM: ARLENE CORDOVA, DIRECTOR *AC*
SRST RECORDING DEPARTMENT

DATE: AUGUST 12, 2020

RE: Excerpt from Regular Tribal Council Entity meeting held on August 5, 2020.

EXCERPT **EXCERPT** **EXCERPT**

#41. MOTION WAS MADE BY CHARLES WALKER, SECONDED BY WARREN HAWK, TO APPROVE TO POST THE EDUCATION CODE FOR TEN (10) DAYS TO ADDRESS HOME SCHOOLING AND DISTANCE LEARNING.

ROLL CALL VOTE: FAITH, JR., MIKE – NOT VOTING

BOBTAIL BEAR, Verdell	YES	AGARD, Susan	EX.
DEMERY, Delray	YES	HAWK, Warren	YES
HARRISON, Samuel "Ben"	YES	LITTLE EAGLE, Avis	YES
LOOKING BACK, Wayne	YES	MCLAUGHLIN, Jesse	YES
MAUAI, Brandon	YES	MCLAUGHLIN, Kory	EX.
PRETTY BEAR, John	YES	TAKEN ALIVE, Ira	YES
THOMPSON, Caroline	YES	TAKEN ALIVE, Nola	YES
WHITE MOUNTAIN, Jr., Joseph	YES	WALKER, Charles	YES

VOTE: YES – 14 NO – 0 NOT VOTING – 1

MOTION CARRIED 2 – EXCUSED

cc: File

35-603: Compulsory School Attendance

- (a) **Policy.** It is the further policy of the Tribe that - while any absences from school, no matter their quantity, are not encouraged - absences exceeding a certain amount shall initiate legal proceedings in order to correct problematic behavior.
- (b) **Effective Date of Section.** This section shall be effective as of September 1, 2013
- (c) **Compulsory Attendance.** Any person having responsibility for a child between the ages of five (5) and eighteen (18) years shall take all reasonable steps to ensure the child is in attendance at a local school for the duration of each school year
 - (1) This section does not apply if a child is exempt under subsection (d) of this Section
 - (2) For the purposes of this section, a "child between the ages of five (5) and eighteen (18) years" shall mean a child who is not younger than five (5) years by the first day of September, but who has not reached his or her eighteenth (18th) birthday
- (d) **Determination of Attendance.** Unless the child is exempt under subsection (d) of this Section, to be in attendance for the purpose of this chapter, a student may not be absent from school for more than the following periods of time:
 - (1) For a child participating in a grade level which is not broken into class periods:
 - i Five (5) school days during either the first half or the second half of a local school or school district's calendar, or
 - ii Ten (10) half school days during either the first half or the second half of a local school or school district's calendar
 - (2) For a child participating in a grade level which is broken into class periods, an amount of class periods as set in written policy by the school's respective governing body
 - (3) Periods of tardiness in amounts as set in written policy by the school's respective governing body
- (e) **Compulsory Attendance - Exemptions.** The provisions of this Section shall not apply, and absences shall not be counted against a student, if the person having responsibility for the child or the child demonstrates to the satisfaction

of the local school that:

- (1) The child has completed high school or a state-approved GED program;
- (2) The child is enrolled in a state-approved GED program;
- (3) The child is receiving a home education as provided by Chapter X of this Title; or
- (4) The child's absences are excused. The governing body of each school shall develop policy determining:
 - i The form of evidence an individual responsible for a child under this Section must provide verifying the conditions of a child's absence from school; and
 - ii What conditions constitute an excused absence

- (5) The Tribe has decided due to the COVID-19 pandemic, in-person attendance would pose a threat to the health and safety of the child and school personnel, and an alternative distance learning curriculum has been approved for which the child is enrolled and actively participating.

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- (f) **Failure to Send Child to School - Misdemeanor.** Any person having responsibility for a child of compulsory school age who fails to take all reasonable steps to ensure the child is in attendance at local school for the duration of each school year as provided under this Section is guilty of a misdemeanor as provided under Section 4-1203 of the Standing Rock Sioux Tribal Code of Justice
- (g) **Truancy** - Where a person having responsibility for a child subject to this Section complies with this Section by taking all reasonable steps to ensure the child is in attendance at school, but the child by their own volition does not attend school in compliance with this Section, and is not exempt under subsection (e) of this Section, that child shall be adjudicated as truant under Title VI of the Standing Rock Sioux Tribal Code of Justice.
- (h) **Compulsory Attendance - Enforcement.** Each local school is charged with the enforcement of this Section. This Section is applicable to any child who is offered school facilities by a local school, to the fullest extent

allowable under the law. Each educator shall investigate any alleged or apparent violation of this Section, and shall offer the opportunity to any parent of a child in violation of this Section to provide the reason, if any, for the absence. The school administrator or the administrator's designee of the child's school shall report to the appropriate law enforcement agency the facts of any alleged violation of this Section.

- (i) **Administrative Procedures for Absences.** Notwithstanding the provisions of this Section, the school board or governing body of each respective local school shall ensure that policies are in place which address administrative procedures which shall be followed when a child is absent from or late for school in excess of a specific number of instances as determined by the school board or governing body. Such procedures should contemplate appropriate methods to improve the child's attendance. The school must assure both the parents and the child are aware of the negative consequences of excessive absences, consequences which may affect the child's ability to advance to the next grade level, the loss of school credit, or the child's ability to graduate.