

**Title XXXV
(35)
EDUCATION CODE**

ORDINANCE NO. 314-10

Standing Rock Sioux Tribal Code of Justice



RESOLUTION NO. 045-23

**Approved February 2, 2023
by
Standing Rock Sioux Tribal Council**

RESOLUTION NO. 045-23

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934 [48 Stat. 984], with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[c], 1[m], and Section V, are authorized to promote and protect the health, education and general welfare of the members of the Tribe; to engage in any business that will further the economic development of the Tribe and its members, and to propose and enact ordinances, provided they be posted for not less than ten [10] days prior to final adoption by the Tribal Council; and

WHEREAS, the Tribal Council received proposed amendments for the Standing Rock Sioux Tribal Code of Justice, Title XXXV – Education Code, which makes necessary changes to the current law and approved to post the recommended changes for 30 days in order to allow for public inspection and comment; and

WHEREAS, the period for public inspection and comment expired on October 10, 2022, after which a final version of the proposed, amended Code was prepared for the Tribal Council's review and approval.

NOW THEREFORE BE IT RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV and Article VII of the Constitution of the Standing Rock Sioux Tribe, Title XXXV – Education Code (Ordinance #314-10) of the Standing Rock Sioux Tribal Code of Justice, is hereby amended and replaced with the attached Title XXXV – Education Code; and

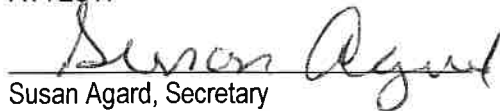
BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.


CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of **[17]** members, of whom 15 constituting a quorum, were present at a meeting thereof duly and regularly, called, noticed, convened and held on the 2nd day of **FEBRUARY, 2023**, and the foregoing resolution was duly adopted by the affirmative vote of 12 members, with 0 opposing, and with 3 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.**

DATED THIS 2ND DAY OF FEBRUARY, 2023.

ATTEST:


Susan Agard, Secretary
Standing Rock Sioux Tribe


Janel Alkire, Chairwoman
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

TITLE XXXV – EDUCATION CODE – ORDINANCE NO. 314-10
(With Amendments current through February 2, 2023 – Resolution No. 045-23)

TABLE OF CONTENTS

SECTION PAGE

CHAPTER I. GENERAL PROVISIONS

35-101	Title	1
35-102	Authority and Responsibility	1
35-103	Intent and Purpose/ Declaration of Policy	1
35-104	Definitions	3
35-105	Severability	7
35-106	Repeal of Inconsistent Ordinances	7

CHAPTER II. TRIBAL COUNCIL

35-201	Tribal Council	7
35-202	H.E.W. Committee	8

CHAPTER III. STANDING ROCK TRIBAL DEPARTMENT OF EDUCATION

35-301	Standing Rock Tribal Department of Education	10
--------	--	----

CHAPTER IV. CULTURAL REQUIREMENTS

35-401	Tribal Education Standards	13
35-402	Offering of Culturally Relevant Electives Required	14

CHAPTER V. KINDERGARTEN

35-501	Kindergarten	15
--------	--------------	----

CHAPTER VI. SCHOOL POLICIES AND PROCEDURES

35-601	Purpose of Chapter	16
35-602	Alcohol, Nicotine, Tobacco, and/or Drug Abuse	16
35-603	School Accreditation	16
35-604	Compulsory School Attendance	17
35-605	Educator and Student Relationships	20
35-606	Immunizations	20
35-607	Expulsion	21
35-608	Attendance Boundaries	21
35-609	School Safety	21
35-610	Special Education	22
35-611	Mandatory Reporting	22
35-612	Weapons	22

CHAPTER VII. EDUCATORS

35-701	Educators	22
35-702	Certification of Dakota/Lakota Language & Culture Teachers (Eminent Scholars)	23

CHAPTER VIII. SCHOOL BOARDS AND GOVERNING BODIES OF PRE-SCHOOLS
AND SITTING BULL COLLEGE

35-801	School Boards and Governing Bodies of Pre-Schools and Sitting Bull College	24
--------	---	----

CHAPTER IX. RESEARCH

35-901	Research	26
--------	----------	----

CHAPTER X. HOME AND ALTERNATIVE EDUCATION

35-1001	Home Education	27
35-1002	Alternative Education Programs	27

CHAPTER XI. INFORMATION SHARING AND REPORTING

SUBCHATER A. STUDENT INFORMATION

35-1101	Policy Statement – Student Information	27
35-1102	Duties of Local Schools, School Boards, and Districts	27
35-1103	Restrictions on Information	28
35-1104	Child Not Enrolled in School	28

SUBCHAPTER B. EMPLOYEE INFORMATION

35-1105	Communications Between Schools on Employment Information	28
---------	--	----

CHAPTER XII. NON-COMPLIANCE OF THE STANDING ROCK TRIBAL EDUCATION
CODE

35-1201	Non-Compliance of the Standing Rock Tribal Education Code	29
---------	---	----

I. General Provisions

35-101: Title

This Title shall be known as the “Education Code of the Standing Rock Sioux Tribe” and may be cited to as the “Tribal Education Code.”

35-102: Authority and Responsibility

- (a) **Inherent Authority over Formal Education.** The Standing Rock Sioux Tribe is a people with a distinct political, economic, and cultural heritage. As part of that heritage, the Tribe possesses and exercises inherent sovereign immunity, including in furtherance of realizing its goal of self-determination in Tribal education. As such, the Standing Rock Sioux Tribal Government has the power and duty to exercise its inherent authority over formal education on the Standing Rock Sioux Reservation by enacting and implementing this Title, made applicable to all local schools, pre-school programs, and Sitting Bull College within the exterior boundaries of the Reservation to the fullest extent allowable by law. Further, that all standards and policies adopted by the Tribe or its entities under this Title shall equal or exceed applicable state or federal standards, while serving to promote the traditional values of the Standing Rock Sioux Tribe. In addition to this Title, and to the extent they do not conflict with the provisions of this Title, all other applicable laws and ordinances of the Standing Rock Sioux Tribe shall apply in the operation of such schools and institutions to the fullest extent allowable by law.

- (b) **Other Rights and Powers not Abrogated by Authority over Formal Education.** In exercising its authority over formal education on the Reservation, the Tribe does not sanction, intend or cause any abrogation of the rights of the Tribe or its members based upon federal law or the Tribe’s inherent sovereign powers, nor does it diminish any trust responsibility of the federal government, including those obligations as set forth in the treaty of Fort Laramie of 1868, nor of any state government or political subdivision thereof, including the obligation to provide a formal education.

35-103: Intent and Purpose/Declaration of Policy

- (a) **Intent and Purpose:** It is the intent and purpose of this Title to accomplish the following:
 - (1) **Preserve, protect, and perpetuate the Tribe.** Provide the necessary resources to preserve, protect, and perpetuate the Standing Rock Sioux Tribe

by and through education of its Tribal members and preservation of its natural resources.

- (2) **Promote educational understanding and coordination.** Provide a means to promote understanding and coordination of the purposes, standards, and functions of education on the Reservation.
- (3) **Make education a relevant experience for life.** Make education on the Reservation a relevant experience and prepare Tribal members for life on and off the Reservation.

(b) **Declaration of Policy.** It is hereby declared to be the policy of the Tribe:

- (1) **The most valuable resources of the Standing Rock Sioux Tribe are its Tribal members and natural resources.** In order to empower the Standing Rock Oyate to sustain and perpetuate all human and natural resources, the Tribal government must be cognizant of and responsive to all educational endeavors.
- (2) **Education must be of sufficient quality, appropriate for, and relevant to the Standing Rock Oyate.** The Standing Rock Oyate shall be empowered with academic excellence, and entitled to a formal education which, as part of all adopted curricula, shall include the study of and emphasis in the Dakota/Lakota language and culture.
- (3) **Education shall empower students to perpetuate the Tribe.** Curriculum, education standards, and policies and programs as adopted and implemented pursuant to this Title shall help prepare students to assume their responsibilities to perpetuate the Tribe, its resources, and its culture.
- (4) **Tribal government shall work collaboratively with state and federal governments and other organizations to improve education.** The Tribal government shall develop collaborative working relationships with state and federal governments and other appropriate organizations to improve the availability and implementation of educational services, programs, and initiatives to the Standing Rock Oyate.
- (5) **Attendance is crucial to ensure students are being educated as intended by this Title.** It is the policy of the Tribe that a child's school attendance is crucial for academic success and necessary to ensure the Standing Rock Oyate will be empowered with the wisdom and knowledge to thrive in two worlds.

35-104: Definitions

Unless this Title otherwise indicates, the following definitions apply herein:

- (a) **Alcohol, nicotine, tobacco, and/or drugs.** “Alcohol, nicotine, tobacco, and/or drugs” means any substance which may alter the sensorium, including alcoholic drinks; nicotine; tobacco and tobacco related products; drugs regulated, prohibited, or controlled under federal or Tribal law; and other substances which may result in temporary or permanent loss or diminution in judgment, perception or coordination.
- (b) **College.** “College” means Sitting Bull College.
- (c) **Compulsory School Age.** “Compulsory school age” or “school age” shall mean a child who is not younger than five (5) years old by the first day of September, but who has not yet reached his or her eighteenth (18th) birthday.
- (d) **Culture.** “Culture” means shared patterns of human behavior adopted by a group of humans in order to survive as a people, including (1) interpersonal and kinship relationships with all living beings; (2) spiritual relationships; (3) values, assumptions, rules, and attitudes; (4) language; (5) social and individual development processes; and (6) acquisition and use of knowledge.
- (e) **Curriculum.** “Curriculum” or “curricula” means any courses of study with outlined content provided and prescribed for students.
- (f) **Director.** “Director” means the Director of the Tribal Department of Education.
- (g) **Education Data.** “Education data” or “data” includes information regarding demographics, attendance, enrollment, graduation rates, language, culture, academics, behavior, parent and community involvement, annual accreditation, annual operating budgets, facilities, and other significant activities which have an impact on education.
- (h) **Educational Policies and Programs.** “Educational policies and programs” include policies or programs - other than curriculum - which develop strong student or parental knowledge of, skills in, or involvement with schools, their students, and their curricula.
- (i) **Educators.** “Educators” include teachers, faculty, Eminent Scholars, administrators, counselors, and other professional staff of local schools, pre-schools, and the College.
- (j) **Eminent Scholar.** “Eminent Scholar” means an individual licensed as a Dakota/Lakota Language & Culture Teacher under this Title.

- (k) **Formal Education.** “Formal education” or “education” means the official act or process of imparting or acquiring general knowledge, developing the powers of reasoning and judgment, and preparing oneself or others intellectually for adult life and for a trade or profession.
- (l) **Governing Body.** “Governing body” is the authorized, elected governing body of a school responsible for educational leadership and which is empowered to act in an authoritative and policy-making capacity consistent with applicable Tribal, state, and federal law.
- (m) **Health, Education and Welfare (H.E.W.) Committee.** “Health, Education and Welfare Committee” or “H.E.W. Committee” or “H.E.W.” means the Health, Education and Welfare Committee of the Standing Rock Sioux Tribal Council as established under Title XIX of the Standing Rock Sioux Tribal Code of Justice.
- (n) **Home Education.** “Home education” means a program of education supervised by a child’s parent or legal guardian or an alternative instructor chosen by the parent or legal guardian in a home environment.
- (o) **Local Regulatory Responsibility.** “Local regulatory responsibility” means the responsibility of school boards and the governing bodies of pre-schools and the College which are in direct charge of the operation of local schools, pre-schools, and the College, subject to the authority of the H.E.W. Committee and the Tribal Council pursuant to this Title.
- (p) **Local School.** “Local school” is any school located on the Reservation – including, but not limited to, those categorized as public, Tribally controlled, Tribally chartered, and private - offering instruction for grades in a range spanning from kindergarten through grade twelve (12), or any part of that range, to which this Title applies.
- (q) **Parent.** “Parent” means anyone who is a biological parent or legal guardian of a student.
- (r) **Parenting and Family Life.** “Parenting and family life” includes family responsibilities, child growth and development, childbirth and childcare, prenatal and postnatal care for infants and mothers, prevention of child abuse, and related topics.
- (s) **Parochial School.** “Parochial school” means a private school run by and/or is affiliated with a religious organization, which may offer religious instruction as well as a general education and may charge tuition.

- (t) **Policies and Procedures Regarding School Governance.** “Policies and procedures regarding school governance” shall include education policies and procedures prescribed under federal, state, and Tribal law.
- (u) **Pre-School.** “Pre-school” is any school providing educational programs for children within the age range of zero (0) to five (5) years.
- (v) **Private School.** “Private school” means a school – including a parochial school - that is established, administered, and primarily supported by a nongovernmental agency.
- (w) **Public Notification of Non-Compliance.** “Public notification of non-compliance” means a written notice to the public of a local school, pre-school, or the College’s continued non-compliance after the expiration of the entity’s 30-day compliance window.
- (x) **Public School.** “Public school” means a state-funded school providing education free for children in kindergarten through grade twelve (12) and which – aside from applicable provisions of this Title and the Standing Rock Sioux Tribal Code of Justice – is governed by the school’s respective state law.
- (y) **Reservation.** “Reservation” means all land, waters, and waterways within the exterior boundaries of the Standing Rock Sioux Indian Reservation as set forth in the Treaty of Fort Laramie of April 29, 1868.
- (z) **School.** “School” - when used in general parlance and not in reference to a specific, established entity - is a place, institution or process for formal teaching and learning.
- (aa) **School Board.** “School board” is an elected governing body of a local school responsible for educational leadership and which is empowered to act in an authoritative and policy-making capacity consistent with applicable Tribal, state, and federal law.
- (bb) **Sitting Bull College Institutional Review Board (“IRB”).** “Sitting Bull College Institutional Review Board (“IRB”)” means the official institutional review board of the Tribe which has oversight and control over any research conducted on the Reservation.
- (cc) **Stakeholders.** “Stakeholders” means members of the Standing Rock Oyate, including students, parents, and parent groups.
- (dd) **Standing Rock Oyate.** “Standing Rock Oyate” or “Oyate” is a term in the Dakota/Lakota dialects meaning the people of the Standing Rock Sioux Tribe and/or the Standing Rock Sioux Indian Reservation, with the word “Oyate” meaning Tribe, a nation, a people, a population, a society. “Standing Rock Oyate” is more inclusive

in describing the Standing Rock Sioux Tribe and/or Standing Rock Sioux Indian Reservation because it may mean non-enrolled Standing Rock Indian residents and non-Indian residents as well.

- (ee) **State.** “State” means the State of North Dakota and/or the State of South Dakota, or any political subdivision thereof. A “state in which a school is located” or a variation on such language shall refer to the state which shares boundaries with the Standing Rock Sioux Tribal Reservation as it pertains to a particular school.
- (ff) **Student.** “Student” means anyone who is officially enrolled in a local school, pre-school or College which is regulated under this Title.
- (gg) **Tribally Controlled Schools.** “Tribally controlled schools” means those elementary schools, secondary schools, or dormitories which receive financial assistance for their operation under a grant agreement with the Bureau of Indian Education under Section 102, 103(a) or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.
- (hh) **Tribal Constitution.** “Tribal Constitution” or “Constitution” means the Constitution of the Standing Rock Sioux Tribe.
- (ii) **Tribal Council.** “Tribal Council” or “Council” means the Standing Rock Sioux Tribal Council, the governing body of the Standing Rock Sioux Tribe which possesses all powers as outlined in the Constitution of the Standing Rock Sioux Tribe.
- (jj) **Tribal Department of Education.** “Tribal Department of Education” or “Department” means the department within the Standing Rock Tribal government charged with administering, and is empowered to administer, this Title
- (kk) **Tribal Education Standards.** “Tribal education standards” are standards developed by the Department which focus on essential, culturally relevant content to be implemented by local schools, pre-schools, and the College in conjunction with the academic standards required by the state in which the school is located. Tribal education standards outline the culturally relevant skills and knowledge that students are expected to attain during their education. These standards shall set targets and expectations for what educators need to teach and students need to learn.
- (ll) **Tribal Government.** “Tribal government” means the authorized government of the Standing Rock Sioux Tribe.
- (mm) **Tribal Language Board.** “Tribal Language Board” means the certifying entity through which individuals submit an application who are seeking to attain licensure to be an Eminent Scholar as defined under this Title.

(nn) **Tribe.** “Tribe” or “Tribal” means the Standing Rock Sioux Tribe.

35-105: Severability

If a court of competent jurisdiction invalidates any part of this Title, all valid parts that are severable from the invalid part shall remain in effect. If a part of the Title is invalid in one or more of its applications, but remains valid for any other application, that part remains in effect in all valid applications that are severable from the invalid application(s).

35-106: Repeal of Inconsistent Ordinances

All education ordinances, resolutions, and other laws inconsistent with this Title are hereby repealed. To the extent any provision of this Title conflicts with any other Tribal law or regulation regarding education within the exterior boundaries of the Reservation, such other law or regulation is superseded, and this Title shall govern.

II. Tribal Council

35-201: Tribal Council

Tribal Council shall have authority over education on the Reservation including:

- (a) **Establishment of Schools.** The Tribal Council, pursuant to the Tribal Constitution, may establish local schools, pre-schools the College, and alternative education programs. Such establishment may be accomplished by the issue of articles of incorporation or comparable document by which the Council establishes a corporation or other organization, and charges that entity with providing for specific educational programs and schools on the Reservation. Such entities shall operate according to their articles of incorporation, bylaws and/or comparable documents, including all potential amendments or updates thereto, and the applicable provisions of this Title and any applicable regulations or policies adopted by the Department. Except as otherwise provided in this Title, nothing in this Title shall affect the incorporation of established programs and institutions under state law or the obligations of such entities under state or federal law.
- (b) **Approval of Schools.** Any individual, entity, organization, or government which wishes to open a new school on the Reservation must obtain the approval of the Tribal Council before it may operate on the Reservation and must comply with any requirements which may be promulgated by the Department and approved by the Council. The Tribe shall not be liable for the funding of any non-Tribal school or

program whether or not it provides general approval of the school or program's operation on the Reservation.

- (c) **Enact or Reject Legislation.** The Council shall regularly consider the state of education within the exterior boundaries of the Reservation and shall enact or reject legislation or changes in existing law as may be deemed beneficial or necessary to the furtherance and betterment of the state of education.
- (d) **Authority of the Tribal Council to Negotiate Agreements.** As provided in Article IV of the Standing Rock Sioux Tribal Constitution, the Standing Rock Sioux Tribal Council is empowered to negotiate with federal, state, and other Tribal governments or their political subdivisions any agreement necessary to implement the policies and provisions of this Title.
- (e) **Promote Local Regulatory Responsibility of Education.** The Tribal Council shall actively promote local regulatory responsibility over education consistent with the intent, purpose, and policies of this Title.
- (f) **Delegation.** The Tribal Council may delegate rule-making authority to H.E.W. and/or the Department as it deems proper or necessary.
- (g) **Sanctions.** The Tribal Council may levy sanctions against non-compliant entities pursuant to Chapter XII of this Title.

35-202: H.E.W. Committee

The Health, Education and Welfare (H.E.W.) Committee, as the committee with jurisdiction over issues regarding education on the Reservation, shall:

- (a) **Require and Review Regular Reporting by the Department.** The H.E.W. Committee shall require and review regular reporting by the Department regarding the state of education on the Reservation. Such reporting shall include an annual State of Education Report as provided for under this Title.
- (b) **Actively Promote and Assist Coordination of Tribal Services and Programs.** The H.E.W. Committee shall actively promote and assist the coordination of Tribal services and programs on critical education issues to meet the intents, purposes, and policies of this Title.
- (c) **Establish and Promote Tribal Education Standards.** The H.E.W. Committee, with recommendations developed by the Department and with final approval of the Council, shall establish and promote Tribal education standards in accordance with this Title.

- (d) **Establish Tribal Educational Policies and Programs.** The H.E.W. Committee, with recommendations from the Department and with final approval of the Council, shall establish Tribal educational policies and programs in accordance with this Title.
- (e) **Adopt or Reject Recommendations by the Department.** The H.E.W. Committee, with final approval of the Tribal Council, shall adopt or reject recommendations by the Department in accordance with this Title.
- (f) **Approve or Disapprove Department Appropriations and Operating Budgets and Funding.** The H.E.W. Committee, with final approval of the Tribal Council, and based upon recommendations from the Department, shall (1) approve or disapprove appropriations and operating budgets for the Department consistent with this Title, (2) require, appropriate, and ensure adequate funding for personnel, equipment, facilities, and other operating expenses for the Department as necessary to meet the intent, purpose and policies of this Title.
- (g) **Delegate Rule-Making Authority to Department.** The H.E.W. Committee, with approval of the Council, may delegate rule-making authority to the Department as it deems necessary and/or appropriate.
- (h) **Recommendation on Legislation.** The H.E.W. Committee shall regularly consider the state of education within the exterior boundaries of the Reservation and recommend to the Tribal Council enactment or rejection of such additional legislation or changes in existing legislation as may be deemed beneficial or necessary.
- (i) **Recommendation of Sanctions.** The H.E.W. Committee may make recommendations on sanctions for non-compliant entities pursuant to Chapter XII of this Title.
- (j) **Establish Guidelines For an Annual Reporting System to Determine the State of Education on the Standing Rock Reservation.** The H.E.W. Committee, with the final approval of the Council, shall establish guidelines for an annual reporting system to determine the state of education on the Reservation. As part of this system, the H.E.W. Committee shall establish a uniform system for the gathering, compiling, and analyzing of educational data from pre-schools, local schools, and the College. Data gathered under the system shall include:
 - (1) **Demographics.** Basic student and staff data that impacts academic achievement.
 - (2) **Attendance.** Student and staff attendance by month for the school year.
 - (3) **Enrollment.** Student enrollment, transfer, graduation, retention, and drop-out rates.
 - (4) **Language.** Assessment results based on Tribal indicators.

- (5) **Culture.** Assessment results based on Tribal, state, and/or local school indicators.
- (6) **Academic.** Assessment results based on Tribal, state, and/or local school indicators.
- (7) **Behavior.** Number and types of incidents reported.
- (8) **Parent and Community Involvement.** Numbers and types of parent and community involvement activities.
- (9) **Annual Accreditation Documents.**
- (10) **Annual Operating Budgets.**
- (11) **Facilities.** Overall condition of school facilities.
- (12) **Other significant activities which have an impact on education.**

III. Standing Rock Tribal Department of Education

35-301: **Standing Rock Tribal Department of Education**

- (a) **Creation of the Department of Tribal Education.** There is hereby created in the Tribal Government a Department of Tribal Education with the power and responsibility to administer and implement this Title and other Tribal education laws unless such powers and duties are otherwise delegated.
- (b) **Director of the Tribal Department of Education.** The Department shall be overseen by a Director of the Tribal Department of Education. The Director shall be a full-time, permanent employee of the Tribe, subject to Title XVIII of the Standing Rock Sioux Tribal Code of Justice and any personnel policies and procedures adopted thereunder and shall be under the supervision of the Executive Director of the Tribe. The Director shall have the authority and/or duty to exercise all powers, duties and responsibilities of the Department as set forth in this Title or other Tribal law, or to delegate such powers, duties, and responsibilities to employees of the Department as may be appropriate and permissible under the law.
 - (1) **Qualifications of Director.** A candidate for the position of Director must hold either (i) a master's degree in education, or (ii) a bachelor's degree in education or a related field with three (3) years of specialized experience. Regardless of whether the Director candidate is qualified under (i) or (ii) of this subparagraph, the candidate must also be knowledgeable and versed in the issues inherent in both Tribal education and education in general.
 - (2) **Acting Director During Vacancies.** During periods in which the Director's position is vacant, an Acting Director shall assume all Directorial duties, powers, and responsibilities. The Acting Director shall be a temporary appointment to the position and shall be so appointed pursuant to Title XVIII

of the Standing Rock Sioux Tribal Code of Justice and any personnel policies and procedures adopted thereunder.

- (3) **Staff of the Department of Tribal Education.** Qualified professional, clerical, and other employees, who may be full-time or temporary, shall be employed in the Department pursuant to Title XVIII of the Standing Rock Sioux Tribal Code of Justice and any personnel policies and procedures adopted thereunder as may be necessary for the administration of this Title. To the extent Title XVIII or the relevant personnel policies and procedures provides for a selection committee or interview panel to hire such employees, the Director shall be one of the individuals serving on the committee or panel for Department employees. The Director shall plan and direct the duties and responsibilities of the Department staff and shall ensure that the staff carry out their duties and responsibilities. The Director shall ensure that the Department staff is qualified and receives appropriate evaluations and professional development.
- (c) **Functions of the Department.** To ensure that the intents, purposes, and policies of this Title are pursued, the functions of the Department shall include:
- (1) **Provide Leadership.** The Department shall provide leadership in and otherwise promote the improvement of education on the Reservation through research, planning, and evaluation of educational services, including communication of all information and instructions regarding education standards and educational policies and programs established and developed under this Title to school boards, the governing bodies of pre-schools and the College, and educators.
 - (2) **Provide Technical and Professional Assistance.** The Department shall provide technical and professional assistance to H.E.W., the Council and all other stakeholders on all matters relating to this Title and education on the Reservation.
 - (3) **Develop Advisable Rules, Policies, Laws, and Regulations.** The Department shall develop and recommend to H.E.W. such rules, policies, laws and regulations as deemed advisable for the conditions, needs, and progress of students and the improvement of education on the Reservation; provided, that such rules and action are ineffective unless and until adopted by the Tribal Council unless the Council otherwise provides.
 - (4) **Coordinate and Facilitate Intergovernmental and Inter-agency Relations Between the Tribe and North Dakota, South Dakota, and the Bureau of Indian Education on Education Matters.** The Department shall coordinate relations on education matters between the Tribe and North Dakota, South Dakota, and the Bureau of Indian Education. This shall

include the representation of the Tribe at meetings of school boards, the state boards of education, and the state legislatures, as well as serving on Tribal, state, and federal committees as directed by H.E.W.

- (5) **Coordinate the Services and Activities of the Department and Negotiate Cooperative Agreements.**
- i. The Department shall develop cooperative working relationships with Tribal, state, and federal governments, coordinating the services and activities of the Department with those of other departments, agencies, offices, and entities; and
 - ii. The Department may negotiate cooperative agreements, as deemed necessary, to facilitate the coordination of services and activities of the Department and school boards, the governing bodies of pre-schools and the College, established educational programs and established institutions, and other Tribal departments, agencies, offices, entities, and programs; provided that any cooperative agreement negotiated under this Section is ineffective unless and until reviewed by H.E.W. and approved by the Tribal Council.
- (6) **Develop Tribal Education Standards.** The Department shall develop Tribal education standards as provided for under Chapter IV of this Title.
- (7) **Offer Scholarships.** The Department shall offer post-secondary scholarships to eligible enrolled members of the Tribe for associate degrees, bachelor's degrees, graduate studies, and certification from accredited colleges, universities, or vocational schools.
- (8) **Offer Language Revitalization Programs.** The Department shall offer programs and services to the Standing Rock Oyate to preserve, revitalize, promote, and support the use and revitalization of the Dakota/Lakota Languages.
- (9) **Compile and Report Results of Data Compiled.** The Department shall gather, compile, and analyze education data as defined by this Title, and report the results of the data compilation to H.E.W., the Council, and the school board or governing body of any local school, pre-school, or the College to which the data pertains by November 1 of each year. Such reporting shall include a State of Education Report as prepared on an annual basis by the Department. The State of Education Report shall detail the state of education on the Reservation and shall include recommendations regarding needed legislation or action required for educational purposes.

- (10) **Seek Tribal and Non-Tribal Resources.** With appropriate assistance and approval from the H.E.W. Committee and the Council, the Department shall seek federal, state, Tribal and private funding and grants to implement this Title and to generally improve education on the Reservation, including for the research, planning, and evaluation of education services.
- (11) **Manage Tribal and Non-Tribal Resources.** The Department shall manage all resources ensuring sound fiscal management in accordance with the Tribe's established financial policies and procedures for budgets, expenditures, reporting, and property. This includes maintaining regular contact with the chief financial officer of the Tribe on accounting matters and cooperating with auditors during audits as required by law.
- (12) **Maintain All Records.** The Department shall provide for the maintenance and filing of all education documents, reports, and other pertinent data in accordance with the Standing Rock Records and Files Disposition Manual.
- (13) **Sanctions.** The Department may make recommendations on sanctions for non-compliant entities pursuant to Chapter XII of this Title.

IV. Cultural Requirements

35-401: Tribal Education Standards

- (a) **Development of Tribal Education Standards.** The Department shall develop and subsequently maintain Tribal education standards for pre-schools, local schools, and the College to rekindle the learning spirit in our children and college students using our Dakota/Lakota language and culture as a base for all instruction and in accordance with Section 102(a) of this Title. Subject to approval under Chapter II of this Title, such standards shall be implemented by all educational entities to which this Title applies into the curriculum developed and implemented by said entities as required by their respective accrediting body or bodies.

The Tribal education standards shall include the following areas of study:

Dakota/Lakota Language
Culture
Government
History
Health and Nutrition Practices
Parenting and Family Life
Standing Rock Economics

Reservation Land Base, Tribal Natural Resources and Community
Environments

- (b) **Procedures for Developing Tribal Education Standards.** The Department shall promulgate procedures to be used for the development of Tribal education standards as contemplated in this Chapter.
- (c) **Curriculum and Instruction.** All pre-schools, local schools and the College shall utilize curriculum and provide instruction which meets the academic standards required by the state in which the pre-school, local school, or College is located and that is aligned with the Tribal education standards to ensure the survival and perpetuation of the Standing Rock Oyate. The curriculum shall be created and/or adopted to develop knowledge and an understanding of the historical, political, socioeconomic and culture of the Standing Rock Oyate..
- (d) **Pre-schools, Local Schools, and the College to Report Implementation of Tribal Education Standards.** All preschools, local schools and the College shall report annually to the Department information on their programs and progress implementing the Tribal education standards as ratified by the Tribal Council.
- (e) **Department of Tribal Education to Evaluate and Report Compliance.** The Department shall assess on an annual basis the extent of implementation of the ratified Tribal education standards by the pre-schools, local schools, and the College. Further, the Department shall present a report of their assessment results, with any appropriate and/or necessary recommendations, to Tribal Council.
- (f) **Department of Tribal Education to Maintain File of Tribal Education Standards for Public Inspection.** The Department shall maintain a file of all proposed changes and approved Tribal education standards for public inspection consistent with Tribal law.
- (g) **Review and Revision of Standards.** The Department shall from time to time and at reasonable intervals review adopted Tribal education standards to determine whether any revisions are appropriate or necessary. If the Department determines revisions are appropriate or necessary, it shall follow the general procedure set forth in the regulations promulgated pursuant to subsection (b) of this Section to develop revised standards.

35-402

Offering of Culturally Relevant Electives Required

- (a) Any local school offering courses to high school-level students shall make available, at least once every school year:

- (1) An elective course on cultural studies which focuses on Dakota/Lakota culture with an emphasis on the culture of the Standing Rock Oyate; and
 - (2) An elective course on Dakota/Lakota language.
- (b) It shall satisfy the requirements of subsection (a) of this Section that a local school permits students to take a course offered by a different local school on the Reservation or the College, including through electronic means.

V. Kindergarten

35-501: Kindergarten

- (a) All local schools shall offer kindergarten. Pursuant to Chapter VI of this Title, beginning on September 1, 2013, each person having responsibility for a child who is at least five (5) years of age on September 1 in a calendar year shall ensure either:
- (1) The child spends at least one (1) school year in a kindergarten program offered by a local school; or
 - (2) Proof is provided to the school that the child has otherwise developed the necessary developmental skills provided in a formal kindergarten setting.
- (b) A child shall be exempt from the requirements of subsection (a) of this Section if the child is seven (7) years of age or older when she or he enrolls at a school on the Reservation and has not previously attended a kindergarten program or any other educational facility, in which case the school shall provide an educational setting which is age-appropriate and instruction which is aimed at teaching the child the necessary developmental skills to enable her or him to succeed academically and socially.
- (c) Procedures shall be administered by each respective local school prior to any child beginning kindergarten, whether or not that child was previously enrolled in a pre-school program, to better provide the child with the appropriate level of support once enrolled. Such assessment shall include literary and language skills, math skills, social/emotional skills, and motor skills.

VI. School Policies and Procedures

35-601: Purpose of Chapter

While the Tribe and the Department generally support local schools adopting their own policies to meet their own respective circumstances, the Tribe and Department have determined that certain policies should be adopted by all local schools to advance the interests of students as well as the uniformity of school administration on the Reservation. As such, all local schools should develop and implement policies which conform with the following sections of this Chapter. Where noted, pre-schools and the College shall also adopt the policy specified herein. The Department may, from time to time, issue model policies on certain matters the adoption of which may be optional or, to the extent permitted by law, mandatory.

35-602 Alcohol, Nicotine, Tobacco, and/or Drug Abuse

All pre-schools, local schools and Sitting Bull College shall develop and implement policies regarding alcohol, nicotine, tobacco, and drug through their respective local school boards and/or governing entities. Such policies shall be in compliance with all applicable Tribal, state and federal laws. At minimum, these policies must include:

- (a) An exemption for possession and use of tobacco as part of a genuine cultural, religious or spiritual ceremony or practice to the extent otherwise permitted under the law;
- (b) An exemption for the use of medications obtained pursuant to a valid prescription from a health care practitioner, provided that a school may regulate how, when, where and from whom such medications are to be stored, dispensed and taken on school premises and provided that such exemption shall not apply if possession of the medication would be a violation of Tribal or federal law;
- (c) Procedures to be followed when a student is in possession or is under the influence of alcohol, nicotine, tobacco, and/or drugs in violation of the policy; and
- (d) The requirement that appropriate signage be posted on school premises as may be required under the law.

35-603: School Accreditation

- (a) At a minimum, each pre-school, local school, and the College shall achieve accreditation with their respective accrediting agency, and thereafter maintain

compliance with their respective accrediting agency's regulations and policies. Implementation of standards required by the appropriate accreditation agency shall include the adoption and implementation of a grade-appropriate curriculum and any other requirement of the accrediting agency.

- (1) A public school's respective accrediting agency shall be that required or permitted under the law of the state in which the school is located.
 - (2) If a private school's accrediting agency is established by the laws of the state in which the school is located, that shall be the school's accrediting agency. If a private school's accrediting agency is not so established, the school shall obtain accreditation through the Tribe.
 - (3) The College shall maintain accreditation which meets the standards of higher education agencies in the area.
 - (4) Tribally controlled and Tribally chartered schools shall at minimum obtain accreditation through the Tribe.
- (b) In addition to the accreditation required under subsection (a) of this Section, public and private schools on the Reservation may – and are highly encouraged to - also seek accreditation through the Tribe. The College is also encouraged to obtain accreditation through the Tribe when university-specific accreditation is made available. Tribal accreditation criteria shall include guidelines and standards with a concentration on the Dakota/Lakota language and culture.

35-604: Compulsory School Attendance

- (a) **Policy.** It is the 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) **[Reserved]**
- (c) **Compulsory Attendance.** A child between the ages of five (5) and eighteen (18) years shall be enrolled and 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 (e) 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.** A student may not be absent from school for more time than that permitted by the school in which the student is enrolled. Each school may develop its own policy on how often a student may be absent from school before they are in violation of this Section provided that no school shall establish a less stringent standard than the following:
- (1) For a student attending a school which utilizes semesters, they shall be in violation of this Section if they have more than eight (8) unexcused days per semester; and
 - (2) For a student attending a school which utilizes trimesters, they shall be in violation of this Section if they have more than five (5) unexcused days per trimester.
 - (3) Periods of tardiness in amounts as set in written policy by the school's respective governing body.
- (e) **Compulsory Attendance – Exemptions.** A student's absence shall not be considered a violation of this Section, and thus shall not be counted against the 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 an alternative education program pursuant to Chapter X of this Title;
 - (3) The child is receiving a home education as provided by Chapter X of this Title;
 - (4) All students at the local school were excused from attendance on a given day or a part thereof for the same purpose;
 - (5) The child is emancipated pursuant to Title 6 of the Standing Rock Sioux Tribal Code of Justice; or
 - (6) The child's absences are excused.
- i. What constitutes an excused absence shall be at the discretion of each local school and/or their school board provided that, at minimum, an absence must be considered to be excused if a parent or guardian

communicates to the school that they are aware of the absence and approve of the student missing class and the absence:

- a. Is related to an illness of the child;
 - b. Is for attendance at the funeral of a relative;
 - c. Is related to the suspension of a student by the local school;
or
 - d. Is for a culturally significant event.
- ii. The governing body of each school shall develop policy determining 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.
- (f) **Failure to Send Child to School – Misdemeanor.** 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 both enrolled and in attendance at a local school for the duration of each school year. Any person who fails to take such reasonable steps as provided under this Section is guilty of a misdemeanor as provided under Title IV 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) **Enforcement.** Each local school is charged with the enforcement of this Section.
- (1) When a student is absent from school, the school shall offer the opportunity to the student's parent or guardian to provide the reason, if any, for the absence. At minimum, once a student's absences exceed the limit adopted by their school pursuant to subsection (d) of this Section, the school administrator or the administrator's designee of the child's school shall report to the truancy officer or other appropriate official with the Standing Rock Sioux Tribal Court the facts of any alleged violation of this Section. However, nothing in this Section shall be construed as restricting a school or an educator from taking other appropriate steps to prevent a student from exceeding the limit on absences adopted by their school pursuant to subsection (d) of this Section – including by issuing warnings to the student or their parent or guardian – or responding to such a violation. This Section

is applicable to any child who is offered school facilities by a local school, to the fullest extent allowable under the law.

- (2) When an educator has a good-faith reason to believe that a parent or guardian of a child is in violation of subsection (f) of this Section:
 - i. If the educator is not a school administrator or the administrator's designee, the educator shall report the matter to their school administrator or the administrator's designee; or
 - ii. If the educator is a school administrator or the administrator's designee, or if they have been made aware of a potential violation under subsection (h)(2)(i) of this Section, they shall report the matter to the appropriate law enforcement agency.
- (3) Each board or governing body shall develop policies to facilitate the enforcement of this subsection.

- (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.

35-605 Educator and Student Relationships.

No educator shall have an inappropriate personal relationship with a student. What constitutes an inappropriate personal relationship may be further defined by the policy of each school but at minimum should take into consideration relevant cultural and community standards.

35-606 Immunizations

Each school shall require immunizations as required under Tribal Health guidelines. In the absence of such guidelines, each school shall require immunizations as required by the state in which the school is located.

35-607 Expulsion

Each school shall develop and implement policies on what justifies the expulsion of a student and what permits the re-admission of an expelled student, provided that such policies shall take into consideration the ability of a child to rehabilitate.

35-608 Attendance Boundaries

Local schools shall establish attendance boundaries and develop policies on open enrollment which comport with the laws of the state in which they are located.

35-609 School Safety

All local schools shall have adequate policies on school safety, including preventative and responsive procedures. Such policies shall include, but not be limited to:

- (a) Policies on crisis management involving students who may be a danger to themselves or a threat to others. Any and all comments made by a student about suicide or doing harm to others are to be taken seriously, especially if details are shared. A staff member who hears – directly or indirectly – of such comments shall report them to an administrator after which an appropriate professional should assess the severity of the risk and appropriate response.
- (b) Anti-bullying procedures which prohibit and establish disciplinary measures for conduct (including through the use of technology or other electronic media) which:
 - (1) Occurs in or on – or is received by a student while in or on – school premises, a school bus or school-owned vehicle, a school sanctioned or sponsored activity, and places a student in actual and reasonable fear of harm or damage to the property of the student; or
 - (2) Regardless of where it occurs, places a student in actual or reasonable fear of harm or damage to the property of the student and substantially interferes with the student’s educational opportunities or the orderly operation of the school.
- (c) Policies which protect against harassment and discrimination by students, faculty and educators based on another student’s race, national origin, disability, religion, and/or gender identity/sexual orientation which has been historically viewed in indigenous culture as “Two Spirit.”

35-610. Special Education

Any school on the Reservation which is required under the law to offer special education programs shall develop and implement – through their respective board or governing body - policies governing such programs which are in compliance with said applicable Tribal, state and federal laws.

35-611 Mandatory Reporting

Educators shall comply with all mandatory reporting requirements imposed on them under applicable law, including Title VI of the Standing Rock Sioux Tribal Code of Justice.

35-612 Weapons

Each school shall adopt a policy governing the possession of weapons and firearms on school property or at a school function and provide for the punishment of any student found to be in violation of the policy. Such policy shall include a clear definition of what constitutes a “weapon,” provided that at minimum it shall include firearms and destructive devices as defined in 18 U.S.C.A. § 921. Such policies may, however, include an exemption for school-sponsored sporting shoots.

VII. Educators

35-701: Educators

- (a) **Certification of Pre-school and School Educators.** All pre-school and local school educators shall be certified by their respective certification agency. The certificate shall be based upon the level(s) of academic preparation and indicate the content/area authorization for which the individual is qualified.
- (b) **Certification of College Educators.** All College educators must meet the relevant requirements of the College and the College’s accrediting agency.
- (c) **Cultural Orientation.** All certified pre-school, local school and College teachers/instructors, administrators, education specialists and support staff shall participate in cultural orientation as established by the Department which includes the history, culture and language of Standing Rock.
- (d) **Trauma-Informed Strategies.** Educators should be familiar with trauma-informed teaching strategies which incorporate an understanding of the prevalence and impact of both personal and historical trauma, seek to avoid retraumatizing those who have been impacted by such trauma, and create a healthier learning environment.

- (e) **Competency Guidelines and Evaluations.** All pre-schools, local schools and the College shall evaluate all educators at least once per annum. The evaluations shall be completed with a focus on student success and in accordance with the entities' respective policies and procedures.
- (f) **Prohibition on Employment of Educators.** No individual may be employed as an educator in any school on the Reservation if:
 - (1) That individual has previously been terminated from any local school, pre-school, or the College for violation of the relevant Code of Ethics developed pursuant to Section 801(i) of this Title;
 - (2) That individual's teaching certificate or license has been revoked; or
 - (3) That individual has been convicted of a crime against a child or a sexual offense.

35-702. Certification of Dakota/Lakota Language & Culture Teachers (Eminent Scholars)

The Standing Rock Sioux Tribe – through this Title – shall create the official members of the “Tribal Language Board” which will be the certifying entity for the individuals seeking to attain licensure as a Dakota/Lakota Language & Culture Teacher (Eminent Scholar). Any individual who would like to apply for certification to become a Dakota/Lakota Language & Culture Teacher (Eminent Scholar) shall submit an application to be reviewed by the Tribal Language Board.

- (a) The Tribal Language Board shall consist of the following members:
 - (1) Director of the Standing Rock Language and Culture Institute (“LCI”) or their designee;
 - (2) Chair of Sitting Bull College’s Native American Studies Department or their designee;
 - (3) Chair of Sitting Bull College’s Division of Education or their designee;
 - (4) H.E.W. Committee Member;
 - (5) Tribal Department of Education Director or their designee; and
 - (6) Elder/Community Member that is a fluent speaker of the Dakota or Lakota Language.

- (b) The Director of the LCI or their designee shall facilitate all meetings of the Board and shall perform duties at such meetings typically executed by a Board Chairperson and Secretary.
- (c) The LCI shall determine the coursework which a person must complete as part of the process for certification and assessment standards with which to determine a person's competence to teach under this Section.
- (d) The processes for certification and recertification shall be determined by the LCI. Application to the Tribal Language Board shall at a minimum include:
 - (1) Documented completion of required and appropriate coursework;
 - (2) Documented completion of required and appropriate assessment to determine competence to teach Dakota/Lakota Language & Culture; and
 - (3) Interview by the Tribal Language Board.

VIII. School Boards and Governing Bodies of Pre-Schools and Sitting Bull College

35-801: School Boards and Governing Bodies of Pre-Schools and Sitting Bull College

- (a) **Applicability.** Unless otherwise specified, this Chapter generally applies to all school boards and governing bodies of local schools, pre-schools, and the College.
- (b) **Creation of School Boards and Governing Bodies.** Other than the school boards of public schools, school boards and governing bodies on the Reservation shall be established by Tribal Council along with the establishment of the respective institution or College. Their powers and duties, administrative organization and structure and operation shall also be so accomplished.
- (c) **Laws Governing School Boards.** The relevant Tribal and state laws - as set forth in this Title, the Standing Rock Sioux Tribal Code of Justice, and applicable South Dakota and North Dakota Codified Laws - govern the respective school boards and governing bodies on the Reservation. In addition, school boards and governing bodies shall be governed by their respective school's establishing and/or governing documents, including articles of incorporation, by-laws, and other applicable policies.

- (d) **Cooperation with the Department.** School Boards and governing bodies shall ensure that their schools and staff cooperate with the Department in the implementation of this Title and in addressing other education problems and issues that arise on the Reservation. Such cooperation shall include providing written educational data to the Department on an annual basis by following the format specified by the Department; ensuring educators participate effectively in education activities promoting and facilitating student academic achievement provided by the Department; and ensuring that administrators participate effectively in the on-site assessment evaluation teams as may be provided for in this Title.
- (e) **Provision of Articles, By-Laws, Policies and Procedures to the Department.** School boards and governing bodies shall provide a complete and current copy of all existing articles of incorporation or comparable document, by-laws, and written policies and procedures that have been adopted by the school regarding school governance to the Department. School boards and governing bodies shall provide copies of any and all amended or new such articles of incorporation, by-laws and policies to the Department as soon as such amendments or additions are adopted by the board or body. A board or governing body shall be in compliance with this subsection if it posts its most up-to-date versions of such documents on its website and provides notice to the Department of their availability on the site as well as notice whenever such documents are amended.
- (f) **Revision with Department Assistance.** Existing articles of incorporation or comparable documents, by-laws, policies, and procedures which are inconsistent with this Title are subject to revision with technical assistance from the Department and shall be amended to align with relevant provisions of this Title before their adoption.
- (g) **Ensure that Schools Attain Tribal Education Standards.** School boards and governing bodies shall ensure their respective local school, pre-school or College attains or meets the Tribal education standards provided for and developed under this Title.
- (h) **Provision of Tribal Education Programs.** School boards and governing bodies shall ensure their respective local school, pre-school or College provides any Tribal educational programs provided for and developed under this Title.
- (i) **Development of Code of Ethics.** Each school board and governing body must develop and implement a Code of Ethics which shall govern its respective school's educators, as well as the members of the board or body itself. The Code of Ethics must contain procedures and penalties which comport with the due process of law. Upon adoption of a Code of Ethics, each respective school board and governing body shall submit a copy of the document to the Department.

- (j) **Update and Availability of Procedures and Handbooks.** All procedures and handbooks drafted and utilized by a school board or governing body shall be reviewed on a periodic basis to ensure they conform with the current law of the Standing Rock Sioux Tribe and policies adopted by the Department and shall be made readily available to stakeholders including by posting on the school’s official website.

- (k) **Meeting Minutes.** Within 20 days after a meeting of a school board or governing body, that board or body shall make public the unapproved minutes of the meeting. If the minutes are modified, amended, or corrected subsequent to being made public, such changes shall be reflected in the minutes of the meeting at which such modifications, amendments or corrections are made. A board or body is in compliance with this subsection if, within the time requirements herein, if:
 - (1) Provides a copy to any member of the District in which the school is located upon request; and

 - (2) Either:
 - i. Publishes a copy of the minutes in a newspaper of general circulation on the Standing Rock Sioux Reservation; or

 - ii. Posts a copy of the minutes on the school’s official website in a manner easily accessible to the public.

IX. Research

35-901: Research

Any person or entity intending to conduct research on the residents, members and/or resources of the Reservation shall first complete an application with the Sitting Bull College Institutional Review Board (“IRB”), which shall ensure that the subject of any research on the Reservation is properly protected, and that any research conducted on the Reservation is well-designed and properly executed. No data collection may be conducted by a researcher until IRB approval is obtained. A copy of all results from research under this Section shall be provided to and maintained at the College.

All researchers shall abide by ethical principles of respect for persons, beneficiaries, and justice. All researchers shall respect the culture of the residents of the Reservation when designing and executing proposed research. All researchers shall follow the guidelines and procedures developed by the College and IRB for the protection of human subjects.

X. Home and Alternative Education

35-1001: Home Education

Any individual having responsibility for a child who wishes to have that child obtain schooling through home education shall follow all applicable state laws and regulations in the state of their residence. Failure to follow any such laws shall result in a loss of exemption under Section 604(e)(3) of this Title. If a child will be home-schooled, their parent or guardian must file a notice of intent to home-school with the local school the child would attend based on attendance boundaries if they were not being home-schooled.

35-1002 Alternative Education Programs

Alternative education programs – including adult learning centers and G.E.D. instruction programs – shall be overseen by the Department and/or the College and must comply with any policies adopted for the provision of the same.

XI. Information Sharing and Reporting

Subchapter A. Student Information

35-1101 Policy Statement – Student Information

The Standing Rock Sioux Tribe recognizes the importance of keeping student information confidential. However, it also recognizes that many children either fail to get enrolled in school or will temporarily leave school and not return, and that many of these children become “lost” to the system. The Tribe therefore believes that there is a legitimate educational interest in certain agencies and bodies sharing information it may otherwise consider confidential or private in order to ensure that Standing Rock children receive education which is not only their right but also a requirement under the law.

35-1102 Duties of Local Schools, School Boards and Districts

- (a) To the extent not prohibited under applicable law, each local school and school board shall have the duty to share information regarding student enrollment with the

Department and other local schools in the course of facilitating the policy goals of this Subchapter.

- (b) Each District of the Standing Rock Reservation as set forth in the Constitution of the Standing Rock Sioux Tribe and Title XX of the Standing Rock Sioux Tribal Code of Justice shall have the duty to share with the Department the identity and location of school age children within the District, including through membership rolls maintained under Sections 20-104 and 20-110(3)(h)-(i) of the Code of Justice.
- (c) The Department may disseminate information received under this Subchapter to those educators at local schools who are involved in enrollment and attendance at the school and are in a position to help facilitate the policy goals of this Subchapter.

35-1103 Restrictions on Information

- (a) Any information shared under this Subchapter shall be communicated only to employees or agents of the Department and/or educators or agents of a local school and may only be used for educational purposes.
- (b) The intentional dissemination of data beyond that which is permitted under this Subchapter is prohibited and may be grounds for disciplinary action by an offender's respective employer or through other sanctions as may be available under the law.

35-1104 Child Not Enrolled in a Local School

Any educator who knows of a child of school age residing on the Reservation that is not enrolled in school – whether local or off-Reservation - shall report this information to the Department, who shall investigate the matter and thereafter address it with the child's parents/guardians and/or the appropriate agency. The goal of implementing this Section is not to punish a child who is not enrolled, but to ensure that they get enrolled in a local school so that they may begin or continue their education.

Subchapter B. Employee Information

35-1105. Communications Between Schools on Employment Information

- (a) An administrator or human resources officer of any local school, pre-school or the College may communicate with an administrator or human resources officer of any other local school, pre-school or the College regarding employment information of their current or former employees when that employee is a current applicant for employment with one of said local schools, pre-schools or the College, provided that

the information – including that regarding an employee’s job performance – is made in good faith. An administrator or human resources officer sharing such information shall be presumed to be acting in good faith unless rebutted upon a showing that the administrator or human resources officer recklessly, knowingly, or with a malicious purpose disclosed false or deliberately misleading information.

- (b) Nothing in this Section shall be construed to be a limit or waiver of the sovereign immunity of the Tribe or of any local school, pre-school, the College or any employee or agent thereof.

XII. Non-Compliance of the Standing Rock Tribal Education Code

35-1201: **Non-Compliance of the Standing Rock Tribal Education Code**

In addition to any other sanction or penalty as may be provided in this Title or other applicable Tribal law, non-compliance of this Title may result in on-site assessment and/or additional sanctions as provided in this Section and as imposed by Tribal Council upon recommendation by the Department and the H.E.W. Committee.

- (a) **Non-Compliance may Result in On-Site Assessment.** Suspected non-compliance may result in an on-site assessment by the Director or the Director’s designated agents to verify the non-compliance and provide the necessary data and information for the Department to determine whether any further action should be taken. The Department in its discretion may allow an entity under its jurisdiction a reasonable period of time to come into compliance without further immediate action; if such time is not allowed or if the entity does not come into compliance within the given timeframe, such data, information and recommendation for further action shall be reported by the Department to the H.E.W. Committee and the school board or governing body of the respective entity which is not in compliance.
- (b) **Non-Compliance Verified by the Department of Tribal Education may Result in Sanctions.** If an on-site assessment made under subsection (a) of this Section confirms an entity is non-compliant, the H.E.W. Committee shall report the non-compliance to the Council. If the Tribal Council agrees that the entity is non-compliant, it may take official action through resolution to sanction the entity in non-compliance as follows:
 - (1) Upon a formal Council determination that an entity is non-compliant, it must first provide the non-complying entity notice of non-compliance. Such notice shall provide that the entity in non-compliance be given 30 days from the entity’s receipt of the notice to come into compliance with this Title.

- (2) During the 30-day compliance window, the Department shall provide all appropriate and feasible assistance to the entity to assist the entity in its effort to come into compliance.
- (3) After the 30-day period has lapsed, the Department shall conduct a follow-up assessment of the entity to determine if the entity has come into compliance with this Title, and shall report its findings back to the H.E.W. Committee, which shall report the same to the Council.
 - i. If the entity has come into compliance, Council shall instruct the Department to issue a letter to the entity acknowledging the entity has come into compliance.
 - ii. If the entity has not come into compliance, Council may sanction the entity, through formal resolution, and based on the recommendations of the Department and/or the H.E.W. Committee. However, continued non-compliance after the 30-day compliance window shall result at least in a mandatory sanction of Public Notification of Non-Compliance as defined in this Title. Public notification of non-compliance must be posted in at least two (2) consecutive runs of the official Tribal newspaper. Further, such public notification shall be posted at the Tribal Office and at a public place in each District for not less than 30 days.