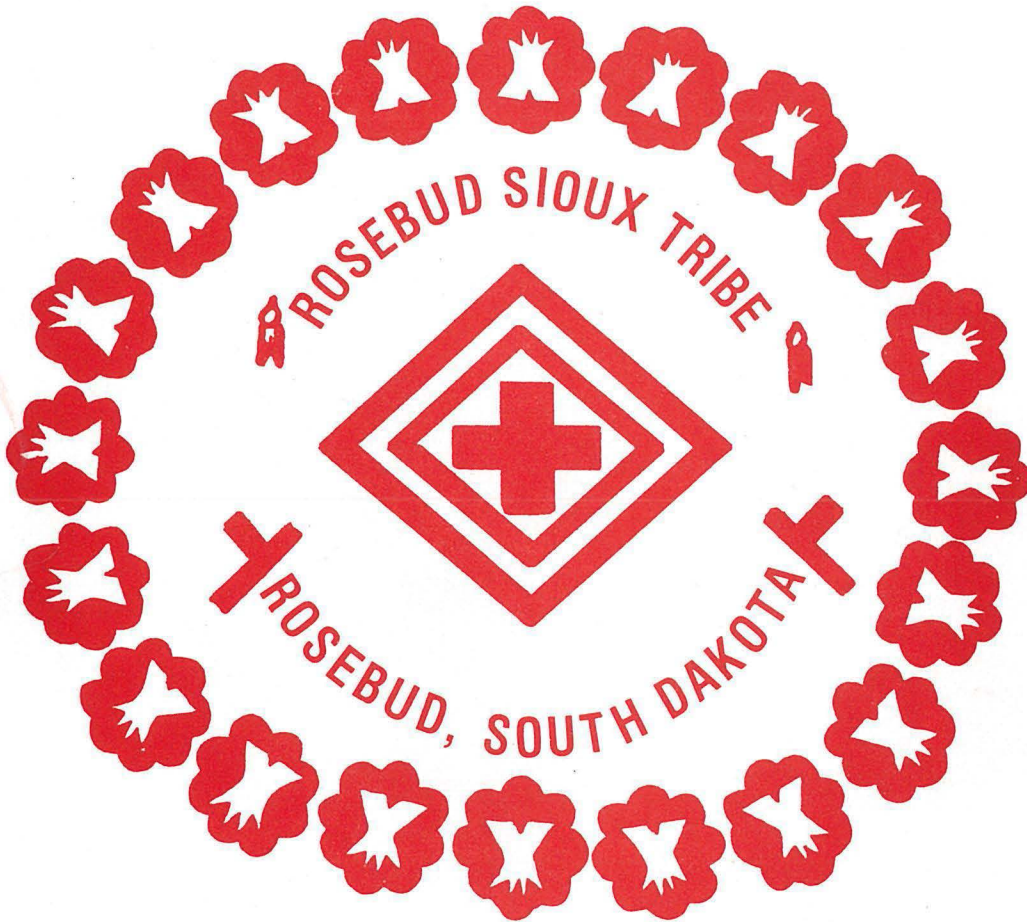


Rosebud Sioux Tribe



Code of Education

ROSEBUD SIOUX TRIBE EDUCATION CODE.

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ROSEBUD SIOUX TRIBE EDUCATION CODE
GENERAL

Section 101. Title. This Title is the Education Code of the Rosebud Sioux Tribe and it may be cited as the Tribal Education Code.

Section 102. Authority of the Tribal Government

- (a) Inherent authority over formal education. The Rosebud Sioux Tribal Government has the power and duty to exercise its inherent authority over formal education on the Rosebud Sioux Indian Reservation, by enacting and implementing a tribal education code applicable to local schools, other educational institutions, and chartered educational programs and chartered schools.
- (b) Tribal laws apply to local schools and other educational institutions to maximum extent. In the operation of local schools and other educational institutions, the laws and ordinances of the Rosebud Sioux Tribe apply to the maximum extent of the jurisdiction of the Tribe.
- (c) Authority of Council to negotiate agreements to implement Tribal Education Code. As provided in the Tribal Constitution, the Rosebud Sioux Tribal Council is empowered to negotiate with the federal, state, and other tribal governments, or their political subdivisions, any agreements necessary to implement the policies and provisions of this Tribal Education Code.
- (d) Other rights and powers not abrogated by authority over formal education. In exercising its authority over formal education on the Rosebud Sioux Indian Reservation, the Tribal Government does not sanction or cause any abrogation of the rights of the Tribe or its members based upon federal law or inherent sovereign powers, nor does it diminish any trust responsibility of the federal government, including but not limited to obligations set forth in the treaty of Fort Laramie of 1868, or of the state government or any political subdivision thereof, including but not limited to the obligation to provide a non-discriminatory public education.

Section 103. Findings, Intentions and Purposes, and Declaration of Policy

- (a) Findings. The Rosebud Sioux Tribal Council finds that:
 - 1. Achievement levels at all elementary and secondary schools on the Rosebud Sioux Indian Reservation with high Native American enrollment are notably low. For

example, in 1989-90, students in the twelfth grade in the Todd County schools scored in the forty-second percentile on the national scale in reading, and in the thirty-sixth percentile in math. Students in the twelfth grade at St. Francis Indian School scored in the thirteenth percentile on the national scale in reading, and in the seventeenth percentile in math;

2. Drop-out rates in the elementary and secondary schools on the Rosebud Sioux Indian Reservation are exorbitant when compared to State of South Dakota and national averages. For example, in 1989-90, the average state drop-out rate was 5.8 %. On the reservation, the drop-out rate in the Todd County schools was 12%, and the drop-out rate for St. Francis Indian School was 23%;
3. Although all elementary and secondary schools on the Rosebud Sioux Indian Reservation have alcohol and drug abuse prevention programs, the measured effectiveness of the programs is questionable. A report by the State of South Dakota in 1991 indicated that alcohol and drug abuse among Indian youth is prevalent. The Rosebud Sioux Indian Reservation was rated the second highest area for at-risk youth;
4. Indian Studies is taught in all elementary and secondary schools on the Rosebud Sioux Indian Reservation on a limited basis. Specific tribal studies curricula have not been fully developed or implemented in any school system;
5. Lakota language is taught in the St. Francis Indian School. Lakota language is not taught in any other elementary or secondary school on the Rosebud Sioux Indian Reservation;
6. The Rosebud Sioux Tribe has no official orthography for writing and pronouncing the Rosebud dialect of the Lakota language;
7. While the elementary and secondary school population on the Rosebud Sioux Reservation in 1990 was eighty-nine percent Indian, the percentage of Indian faculty and staff at those schools is much lower. For example, in 1989-90, the percentage of certified staff in the Todd County schools that was Indian was twenty-one percent. In 1989-90, the percentage of certified staff at St. Francis Indian School that was Indian was thirty-six percent. In addition, the schools have no set criteria for hiring professional personnel other than state certification requirements;

8. Due to the number of middle and secondary school students on the Rosebud Sioux Indian Reservation who are parents, parenting and family life education has been identified as a primary need on the reservation to encourage positive, effective parenting skills, as well as effective parental involvement in the schools;
9. Parental and community involvement in the St. Francis Indian School is adequate, but parental and community involvement in the Todd County schools is minimal. Such involvement in Todd County is limited to parent groups, committees, and procedures as required under federal Indian education laws and programs; and
10. The federal government has a trust obligation, as embodied in treaties, statutes, and the United States Constitution, to provide for the formal education of Indian students who attend federal, tribal, and state schools. The federal government historically has failed to live up to its responsibilities in the area of Indian education. The state of South Dakota has also historically failed to meet the needs of Indian students on the Rosebud Sioux Indian Reservation. Recognizing that a good formal education is critical to the survival of the Rosebud Sioux Tribe, it is in the best interests of the Tribe to assert its responsibility over the formal education systems on the reservation to improve those systems and the Tribe.

(b) **Intents and Purposes.** It is the intent and purpose of this Tribal Education Code to:

- (1) Preserve, protect, and perpetuate the Tribe. Provide the necessary resources to preserve, protect, and perpetuate the Rosebud Sioux Tribe with its human and land resources.
- (2) Promote intra-government understanding and coordination. Provide a means to promote understanding and coordination of branches, agencies, and entities of the Rosebud Sioux Tribal Government on the purposes, standards, and functions of education on the Rosebud Sioux Indian Reservation; and
- (3) Make education a good experience and good preparation for life. Make education on the Rosebud Sioux Indian Reservation a good experience and provide a means to prepare tribal members for life on and off the Reservation.

(c) **Declaration of Policy.** It is hereby declared to be the policy of the Rosebud Sioux Tribe that:

- (1) Tribal government must provide for education to protect its members. The most valuable resources of the Rosebud Sioux Tribe are its tribal members and the Reservation landbase. To preserve, protect, and perpetuate the human resources within and on the native homelands of the Lakota, the Tribal Government must be actively involved with all educational endeavors on the Reservation to ensure an effective, appropriate, and relevant education of its tribal members.
- (2) Education must be effective, appropriate for and relevant to the Reservation. An effective, appropriate, and relevant formal education on the Reservation includes, but is not limited to: academic excellence and high but realistic expectations for all students; competence in all basic academic and cognitive skills; competence in English language and knowledge of the non-Indian American culture, governments, economics, and environment; competence in Rosebud Lakota language and knowledge of Rosebud Lakota culture, government, economics, and environment; knowledge of the history of the Rosebud Sioux Tribe and the role of tribal members in promoting the future of the Tribe; development of students as healthy individuals, members of families and communities, parents, citizens of the Tribe, the State, and the United States of America; development of self-discipline and positive self-worth; development of respect for all other living beings; development of attitude which encourages lifetime learning, decision-making, and undertaking of responsibilities in family life, community and tribal affairs, employment, recreation, and the use of the environment; and parental and community involvement in the formal education process whereby the educational aspirations and the cultural values of parents and community members are promoted and respected;
- (3) Education shall help prepare students to perpetuate the Tribe. Curriculum, education standards, educational policies and programs, and employment practices developed, implemented, or regulated under this Tribal Education Code shall help prepare students to assume their responsibilities to perpetuate the Tribe, its resources, and its culture; shall be carried out through coordinated efforts between the Tribal Education Department, other education departments and agencies, local schools, other educational institutions, and chartered educational programs and chartered schools;

and shall otherwise incorporate the intents, purposes, and policies of this Code to the maximum extent possible;

- (4) Tribal government shall work with state and federal governments to improve education. The Tribal Government shall develop cooperative working relationships with the state and federal governments to improve the education systems on the Reservation; and
- (5) Ultimate education goal of Tribe is self-determination consistent with its heritage. The Tribe is a people with a distinct political, economic, and cultural heritage. The ultimate goal of the Tribe regarding education is self-determination consistent with this heritage.

Section 104. Definitions

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

- (a) Alcohol, nicotine or tobacco, and drugs. "Alcohol, nicotine or tobacco, and drugs" mean any substance which may alter the sensorium, including alcoholic drinks, nicotine, tobacco and tobacco related products, drugs regulated by 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) Charter or Chartered. "Charter" or "chartered" means chartered by the Tribal Council under the Tribal Constitution.
- (c) Code. "Code" means the Education Code of the Rosebud Sioux Tribe.
- (d) College. "College" means Sinte Gleska College.
- (e) Culture. "Culture" means shared patterns of human behavior adopted by a group of humans in order to survive as a people, including but not limited to (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.
- (f) Curriculum. "Curriculum" means any planned education experience provided for students.

- (g) Director. "Director " means the Director of the Rosebud Sioux Tribal Education Department.
- (h) Education standards. "Education standards" means minimum levels of performance that local schools and other educational institutions must attain or minimum requirements that local schools and other educational institutions must meet to provide and document quality curriculum and educational policies and programs.
- (i) Educational data. "Educational data" or "data" 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.
- (j) Educational policies and programs. "Educational policies and programs" include but are not limited to policies or programs other than curriculum that develop strong student or parent knowledge of, skills in, or involvement with schools, their students, and their curricula.
- (k) Educators. "Educators" includes but is not limited to: teachers, administrators, counselors, and other professional staff of local schools and other educational institutions.
- (l) Governing body of an other educational institution. "Governing body of an other educational institution" is the authorized governing body of an other educational institution, with general charge, direction, and management of the institution and control and care of all property used by or belonging to it, as provided and limited by law.
- (m) Indian Preference. "Indian preference" means that first preference shall be given to qualified members of the Tribe, second preference shall be given to qualified members of other federally recognized tribes, and third preference shall be given to qualified non-members who are not prejudiced towards American Indians.
- (n) Local school. "Local school" is any school (except St. Francis Indian School and Rosebud Christian School) offering grades kindergarten through twelfth, or any part of that span, located on the Reservation.
- (o) Other Educational Institution. "Other Educational Institution" is any school (except Sinte Gleska College) other than a local school that is located on the

Reservation, including but not limited to: chartered educational programs, chartered schools, early childhood programs, and any other education program or school authorized by the Tribal Council or the Tribe.

- (p) Parent. "Parent" means anyone who is a parent or legal guardian of a student, and includes parent groups and committees established under federal, state, and tribal education laws.
- (q) Parenting and Family Life. "Parenting and family life" includes but is not limited to: family responsibilities, child growth and development, child birth and child care, prenatal and postnatal care for infants and mothers, prevention of child abuse, and related topics.
- (r) Policies and procedures regarding school governance. "Policies and procedures regarding school governance" shall include but not be limited to education policies and procedures prescribed under federal, state, and tribal law.
- (s) Reservation. "Reservation" means all land, waters, and waterways within the exterior boundaries of the Rosebud Sioux Indian Reservation as set forth in the Treaty of Fort Laramie of April 29, 1868, 15 Stat. 635.
- (t) School. "School" is a place, institution, or process for formal teaching and learning.
- (u) School Board. "School board" is the authorized governing body responsible for developing, maintaining, and locating local schools, and for providing educational opportunities and services on the Reservation.
- (v) Schools in the former reservation area serving tribal members. [Reserved.]
- (w) State. "State" or "state government" means the State of South Dakota, or any political subdivision thereof.
- (x) Student. "Student" means anyone who is officially enrolled in a local school or an other educational institution.
- (y) Tribal Constitution. "Tribal Constitution" or "constitution" means the Constitution of the Rosebud Sioux Tribe.
- (z) Tribal Council. "Tribal Council" or "Council" means the Rosebud Sioux Tribal Council.
- (aa) Tribal Education Committee. "Tribal Education Committee" or "Committee" means the Education Committee of the Rosebud Sioux Tribe.

- (bb) Tribal Education Department. "Tribal Education Department" or "Department" means the department within the Tribal Government charged with administering and empowered to administer this Tribal Education Code.
- (cc) Tribal Government. "Tribal Government" means the authorized government of the Rosebud Sioux Tribe.
- (dd) Tribe. "Tribe" or "tribal" means the Rosebud Sioux Tribe and includes the Rosebud Sioux people as a distinct cultural, ethnic, geographical, and political entity.

Section 105. Construction of Tense Used. 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.

Section 106. Masculine Gender Inclusive. In construing the provisions of this Tribal Education Code, the masculine gender includes the feminine and the neuter genders.

Section 107. Reference to Code Includes Amendments. When reference is made to any portion of this Tribal Education Code, the reference shall apply to all amendments and additions made hereafter.

Section 108. 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 part remain in effect. If a part of the Code is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

Section 109. Repeal of Inconsistent Ordinances. All education ordinances, resolutions, and other laws inconsistent with this Tribal Education Code are hereby repealed. To the extent that this Code provides other than any other tribal law regarding education, this Code shall govern.

TRIBAL EDUCATION DEPARTMENT

Section 201. Tribal Council

- (a) Tribal Council to be governing and policy determining body of Tribal Education Department. The Tribal Council shall be the governing and policy-determining body of the Tribal Education Department. As the governing and policy-determining body, the Tribal Council shall:

- (1) Employ Director of Tribal Education Department. The Tribal Council shall employ a Director of the Tribal Education Department who shall be the principal administrator and enforcer of this Tribal Education Code;
- (2) Approve or Disapprove Employment by Director of Tribal Education Department Staff. The Tribal Council shall approve or disapprove employment by the Director of staff for the Tribal Education Department.
- (3) Require and review regular reporting by the Tribal Education Department. The Tribal Council shall require and review regular reporting by the Tribal Education Department regarding the condition, needs, and progress of education on the Reservation. Such reporting shall include, but not be limited to, an annual State of the Reservation Education Report as provided in this Code;
- (4) Actively promote and assist coordination of tribal services and programs. The Tribal Council 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 Code;
- (5) Approve or disapprove contracts and agreements with consultants. The Tribal Council shall approve or disapprove contracts and agreements with consultants consistent with this Code;
- (6) Establish tribal curriculum. The Tribal Council shall establish tribal curriculum in the areas specified in and in accordance with this Code. Such curriculum shall include a tribal orthography to be used in Rosebud Lakota language instruction on the Reservation;
- (7) Establish tribal education standards. The Tribal Council shall establish tribal education standards in accordance with this Code;
- (8) Establish tribal educational policies and programs. The Tribal Council shall establish tribal educational policies and programs as specified in and in accordance with this Code;
- (9) Adopt or reject rules recommended by Director or delegate rule authority to Director. The Tribal Council shall adopt or reject rules recommended by the Director as provided by this Code. The Tribal Council may also delegate rule-making authority to the Director as it deems necessary;

- (10) Approve or disapprove tribal education department appropriations and operating budgets. The Tribal Council shall approve or disapprove appropriations and operating budgets for the Tribal Education Department consistent with this Code;
- (11) Require and appropriate funding for equipment, facilities, and resources. The Tribal Council shall require and appropriate such funding for equipment, facilities, and resources for the Tribal Education Department as deemed advisable to meet the intents, purposes, and policies of this Code;
- (12) Seek grants and funding for education improvement. The Tribal Council shall seek federal, state, and private funding and grants for the improvement of education on the Reservation, including funding and grants for research, planning, and evaluation of education services;
- (13) Promote local control of education. The Tribal Council shall actively promote local control of education under charters consistent with the intents, purposes, and policies of this Code;
- (14) Establish advisory commissions and committees on educational policies and legislation as necessary. The Tribal Council shall establish advisory commissions and committees on education as it deems necessary. Such commissions or committees shall serve in an advisory capacity to the Council in the development of tribal education legislation and policies, and in other matters affecting education on the Reservation; and
- (15) Enact or reject education legislation. The Tribal Council shall regularly consider the condition, needs, and progress of education on the Reservation and enact or reject such additional legislation or changes in existing legislation as may be deemed desirable.

Section 202. Tribal Education Department

- (a) Creation of Department. There is hereby created in the Tribal Government a Tribal Education Department with the power and duty to administer and enforce this Tribal Education Code and other tribal education laws unless such powers and duties are otherwise delegated.
- (b) Tribal Council to employ Director of Tribal Education Department. The Tribal Council shall employ a Director of the Tribal Education Department, who shall be a full-time

employee of the Tribe and who shall maintain an office in Rosebud. The Director has the power and duty to exercise all powers, duties, and responsibilities of the Tribal Education Department set forth in this Code or other tribal law.

- (1) Qualifications and Salary of Director. The Tribal Council shall establish the qualifications for and the salary of the Director of the Tribal Education Department.
 - (2) Tribal Education Committee Chairperson to serve as Acting Director during vacancies. During periods in which the Director's position is vacant, the Tribal Education Committee Chairperson shall serve in a non-salaried capacity as Acting Director of the Tribal Education Department.
 - (3) Director to employ qualified staff of Tribal Education Department. Subject to the approval of the Tribal Council, the Director or Acting Director shall have the power and duty to employ qualified professional, clerical, and other employees, who may be full-time or temporary, as may be necessary for the administration of the Tribal Education Code. Subject to approval of the Tribal Council, the Director shall plan and direct the duties and responsibilities of the Department staff and shall ensure that the staff carries out their duties and responsibilities. The Director shall ensure that the Department staff is qualified and receives appropriate professional training.
- (c) Power and duties of Director. Subject to the authority of the Tribal Council, the Director of the Tribal Education Department has the power and duty to:
- (1) Administer and enforce this Tribal Education Code. Be the principal administrator and enforcer of this Tribal Education Code. In doing so, the Director shall:
 - (A) Exercise oversight over the administration and operation of the Tribal Education Department's functions, and over the compliance by local schools and other educational institutions with the Tribal Education Code;
 - (B) 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;

- (C) Provide leadership in and otherwise promote the improvement of education on the Reservation, including through constant contact with educators, personal appearances at public gatherings, research, planning, and evaluation of education service; and
 - (D) Seek and coordinate tribal and non-tribal resources to implement this Tribal Education Code and to improve generally the condition, needs, and progress of education on the Reservation;
- (2) Maintain office for filing and records. Have and maintain an office in Rosebud, provided by the Tribe, in which he shall: file all papers, reports, public documents, and other data transmitted to him and hold the same subject to inspection by the Tribal Council; and keep records of all matters pertaining to the Tribal Education Department;
- (3) Establish uniform data gathering, compiling, and reporting system. Establish a uniform system for the gathering, compiling, and reporting of educational data from local schools and other educational institutions, the Tribe, and the state and federal governments. The Department shall use the data to evaluate and ensure compliance with this Code, and to improve generally the condition, needs, and progress of education on the Reservation. The system for gathering the data shall include but not be limited to:
- (A) receiving and examining written educational data; policies and procedures regarding school governance; and educational policies and programs provided by local schools and other educational institutions. The Department shall specify a format for the reporting or written educational data by local schools and other educational institutions;
 - (B) establishing a human network system comprised of educators; administrative or professional staff of other tribal and non-tribal agencies, departments, and programs; members of the community; and parents. The Director shall, at least twice a year, call and conduct meetings with the network. Through such meetings, the Director shall endeavor, through discussion and explanation, to establish, maintain, and refine administration and enforcement of this Tribal

Education Code, and standards, programs, and rules developed under the Code;

- (C) on-site assessment visits of local schools and other educational institutions conducted by an evaluation team. In the case of local schools, each team shall include: (1) the Director of the Tribal Education Department; and (2) a member of the state department of education or a local school administrator. In the case of other educational institutions, each team shall include: (1) the Director of the Tribal Education Department; and (2) a member of the Bureau of Indian Affairs area office or agency. Such on-site visits shall be conducted at least once every three years for each local school and once every two years for every other educational institution. The team shall evaluate compliance with the Code; the problems and progress of students; action taken to correct previous areas of noncompliance and problems; and other areas identified during the data gathering of the Department;
- (4) Report results of gathering and compiling data to Tribal Council, school board, and governing body; State of the Reservation Education Report . Report the current results of the gathering and compiling of data to the Tribal Council, and to the school board or governing body of any other educational institution to which the data pertains. Such reporting shall include, but not be limited to, a State of the Reservation Education Report, prepared annually by the Tribal Education Department. The State of the Reservation Education Report shall detail the conditions, needs, and current progress of education on the Reservation, and shall include recommendations of the Director regarding needed legislation or action on behalf of education;
- (5) Communicate this Code to school boards, governing bodies of other educational institutions, and educators. Communicate to school boards, the governing bodies of other educational institutions, and educators all information and instructions regarding curriculum, education standards, and educational policies and programs established and developed under this Code;
- (6) Act as a liaison between the Tribe and the State on education matters. Act as a continuous liaison between the Tribe and the state on education matters. This

shall include, but not be limited to, attending and interacting at meetings of the school board, the State Board of Education, and the state legislature. The Director shall serve on Tribal or state committees as directed by the Tribal Council;

- (7) Coordinate the services and activities of the Department and negotiate cooperative agreements.
 - (A) To ensure that the intents, purposes, and policies of this Code are pursued, including the policy of developing cooperative working relationships with the state and federal governments, the Director shall coordinate the services and activities of the Tribal Education Department with those of other departments, agencies, offices, entities, and programs of the Tribe, and with those of the state and federal governments.
 - (B) To facilitate the coordination of services and activities of the Tribal Education Department, the Director is hereby authorized to negotiate cooperative agreements between the Department and school boards, the governing bodies of other educational institutions, chartered educational programs and chartered schools, and other tribal departments, agencies, offices, entities, and programs; provided, that any cooperative agreement negotiated under this section is ineffective unless and until approved by the Tribal Council;
- (8) Hire or contract with consultants. Subject to the approval of the Tribal Council, hire or contract with such consultants as he deems necessary to administer and enforce this Tribal Education Code;
- (9) Develop tribal curriculum. Develop tribal curriculum in the areas specified in and in accordance with this Code;
- (10) Develop tribal education standards. Develop tribal education standards in accordance with this Code;
- (11) Recommend a tribal orthography. Recommend to the Tribal Council a tribal orthography to be used in Rosebud Lakota language instruction on the Reservation;
- (12) Enforce and evaluate compliance by local schools with tribal curriculum and education standards. On behalf

of the Tribe, and jointly with the state, enforce compliance by local schools with tribal curriculum and tribal education standards. Compliance shall be evaluated as part of the data gathering provisions of this Code;

- (13) Enforce and evaluate compliance by other educational institutions with tribal curriculum and education standards... Enforce compliance by other educational institutions with tribal curriculum and tribal education standards. Compliance shall be evaluated as part of the data gathering provisions of this Code;
- (14) Develop and enforce tribal educational policies and programs and evaluate compliance by local schools and other educational institutions with tribal educational programs. Develop tribal educational policies and programs in the areas specified in and in accordance with this Code, and enforce compliance by local schools and other educational institutions with the tribal educational policies and programs. Compliance shall be evaluated as part of the data gathering provisions of this Code;
- (15) With Sinte Gleska College, develop accredited tribal recertification courses for educators, and work with the College in other areas. With Sinte Gleska College, develop accredited tribal recertification courses for educators in accordance with this Code. In addition, the Director shall work with the College as necessary to implement the provisions of this Code, including the provisions regarding tribal curriculum, education standards, and educational policies and programs. The Director shall also work with the College regarding research on and planning for education on the Reservation and in promoting and providing leadership in education on the Reservation;
- (16) Review budget estimates of and appropriations for local schools and other educational institutions. Participate in public hearings and other budget and finance processes of local schools and other educational institutions, and review budget and financial information provided by local schools and other educational institutions. Such participation and review shall include, but not be limited to, determining the links between budgets and financial plans and meeting and promoting the intents, purposes, and policies of this Code;

(17) **Develop advisable rules.** Develop and recommend to the Tribal Council such rules or action as he deems advisable for the condition, 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. The Tribal Council may delegate rule-making authority to the Director as it deems necessary, and upon proper delegation, the Director may exercise that authority in a manner not inconsistent with this Code or other tribal law or federal law.

(d) **Department Budget Preparation and Fiscal Management Responsibility.**

(1) **Director to prepare department budget.** The Director shall annually prepare a written budget for the operation of the Tribal Education Department. The budget shall include, but not be limited to, salaries, vehicles, travel and per diem expenses, supplies, communication equipment, consultants, and data gathering, compiling, and reporting facilities. The Director shall timely submit the budget along with a written justification to the Tribal Council or the appropriate tribal committee or office. The Director shall make any necessary presentations and attend any necessary hearings regarding the budget. The Director shall participate in the preparation of budgets for other education needs and matters of the Tribe when so authorized by the Tribal Council.

(2) **Director to be responsible for the proper management of annual department appropriation.** The Director shall be responsible for the proper management of the annual appropriation for the operation of the Tribal Education Department, and shall adhere to established tribal expenditure policies and procedures in administering the appropriation. The Director shall maintain regular contact with the Treasurer of the Tribe on accounting matters, and shall cooperate with auditors during audits as required by law. The Director shall be responsible for all tribal properties assigned to the Tribal Education Department and the proper use thereof.

SCHOOL BOARDS AND GOVERNING BODIES

Section 301. School Boards

- (a) State law and tribal law govern school boards. State law, including but not limited to that set forth in Title 13 of the South Dakota Codified laws, governs school boards. In addition, school boards are subject to this Tribal Education Code, and other tribal law as specified in this Code and as otherwise permitted by federal law and tribal law.
- (b) School boards to cooperate with the Tribal Education Department. School boards shall ensure that their schools and staff cooperate with the Tribal Education Department in the implementation of this Code and in addressing other education problems and issues that arise on the Reservation. Such cooperation shall include, but not be limited to: providing written educational data to the Tribal Education Department annually following the format specified by the Department; ensuring that their educators participate effectively in the human network system provided for by this Code; and ensuring that their administrators participate effectively in the on-site assessment evaluation teams provided for by this Code.
- (c) School boards to provide policies and procedures to Tribal Education Department and align them with Tribal Education Code. School boards shall provide a complete and current copy of all existing written policies and procedures regarding school governance to the Tribal Education Department. School boards shall annually provide copies of any and all amended or new policies to the Department. Existing policies and procedures which are inconsistent with this Code are subject to revision with technical assistance from the Tribal Education Department. Amended or new policies shall be aligned with relevant provisions of the Tribal Education Code before their adoption by the school board.
- (d) School boards to include Tribal Education Department in their established processes for reviewing curriculum, education standards, and educational policies and programs. Because such inclusion may be necessary to the development by the Department of tribal curriculum, education standards, and educational policies and programs under this Code, school boards shall include the Tribal Education Department in their established processes used for reviewing applicable curriculum, education standards, and educational policies and programs.

- (e) School boards to ensure that local schools include tribal curriculum in their curriculum and standards. School boards shall ensure that local schools provide instruction that is in substantial compliance with the tribal curriculum provided for and developed under this Tribal Education Code.
- (f) School boards to ensure that local schools attain tribal education standards. School boards shall ensure that local schools attain or meet the tribal education standards provided for and developed under this Tribal Education Code.
- (g) School boards to provide tribal educational programs. School boards shall ensure that local schools provide the tribal educational programs provided for and developed under this Tribal Education Code.

Section 302. Governing Bodies of Other Educational Institutions

- (a) Establishment and creation of governing bodies. The establishment or creation of the governing bodies of other educational institutions shall be accomplished by charter or by other enactment of the Tribal Council. Their powers and duties, administrative organization and structure, and operation shall also be so accomplished.
- (b) Tribal Education Code governs governing bodies of other educational institutions. In addition to their charter or other enactment establishing or creating them, the governing bodies of other educational institutions are subject to this Tribal Education Code and to other tribal law as specified in this Code.
- (c) Governing bodies of other educational institutions to cooperate with the Tribal Education Department. The governing bodies of other educational institutions shall ensure that their schools and staff cooperate with the Tribal Education Department in the implementation of this Code and in addressing other education problems and issues that arise on the Reservation. Such cooperation shall include, but not be limited to: providing written educational data to the Tribal Education Department annually following the format specified by the Department, and ensuring that their educators participate effectively in the human network system provided for by this Code.
- (d) Governing bodies of other educational institutions to provide policies and procedures to Tribal Education Department and align policies with Tribal Education Code. The governing bodies of other educational institutions shall provide a complete and current copy of all existing

written policies and procedures regarding school governance to the Tribal Education Department. The governing bodies of other educational institutions shall annually provide copies of any and all amended or new such policies to the Department. Existing policies and procedures which are inconsistent with this Code are subject to revision with technical assistance from the Tribal Education Department. Amended or new policies shall be aligned with relevant provisions of the Tribal Education Code before their adoption by the governing bodies.

- (e) Governing bodies of other educational institutions to include Tribal Education Department in their established processes for reviewing curriculum, education standards, and educational policies and programs. Because such inclusion may be necessary to the development by the Department of tribal curriculum, education standards, and educational policies and programs under this Code, the governing bodies of other educational institutions shall include the Tribal Education Department in the established processes use by other educational institutions for reviewing applicable curriculum, education standards, and educational policies and programs.
- (f) Governing bodies to ensure that other educational institutions include tribal curriculum in their curriculum. The governing bodies of other educational institutions shall ensure that other educational institutions provide instruction that is in substantial compliance with the tribal curriculum provided for and developed under this Tribal Education Code.
- (g) Governing bodies to ensure that other educational institutions attain tribal educational standards. The governing bodies of other educational institutions shall ensure that other educational institutions attain or meet the tribal education standards provided for and developed under this Tribal Education Code.
- (h) Governing bodies to ensure that other educational institutions provide tribal educational policies and programs. The governing bodies of other educational institutions shall ensure that other educational institutions provide the tribal education policies and programs provided for and developed under this Code.

CURRICULUM AND EDUCATION STANDARDS

Section 401. Curriculum

- (a) Procedures for developing tribal curriculum. In developing tribal curriculum, the Tribal Education Department shall:
- (1) Review the curriculum of local schools and other educational institutions. Review the applicable current curriculum of local schools and other educational institutions. Such review may be conducted independently by the Department, or the Department may participate in the established processes used by local schools and other educational institutions for reviewing their curriculum;
 - (2) Coordinate and consult with school boards and governing bodies. Coordinate and consult with school boards and the governing bodies of other educational institutions;
 - (3) Consult with educators, community members, parents, and students. Consult with and obtain the comments of educators, community members, parents, and students;
 - (4) Keep curricula on file in the Department. Maintain a file in the Department of copies of all current curricula, and proposed changes to curricula for public inspection consistent with tribal law;
 - (5) Draft tribal curriculum. Draft tribal curriculum in the areas specified by this Code. Such tribal curriculum shall be consistent with the curriculum of local schools, South Dakota law, and tribal law; provided that, to the extent tribal curriculum conflicts with the curriculum of local schools or with South Dakota law, the tribal curriculum shall govern.
 - (6) Circulate draft tribal curriculum for review and comment. Circulate the draft tribal curriculum, or any proposed changes to major curricula objectives, for review and comment and for a specified period of time, among school boards, the governing bodies of other educational institutions, selected educators, parents, members of the community, and such other persons as deemed necessary;
 - (7) Review comments on draft tribal curriculum and make necessary changes. Review the comments and suggestions of those to whom the draft tribal curriculum has been circulated, and after evaluating the comments and suggestions, make such revisions to the curriculum as deemed necessary; and

- (8) Submit draft curriculum to Tribal Council. Submit the curriculum, or changes, or both, to the Tribal Council in the form of proposed tribal curricula objectives for adoption or amendment.
- (b) Tribal Council to establish tribal curriculum. The Tribal Council shall establish tribal curriculum which shall apply: to local schools under the joint enforcement by the State Department of Education and the Tribal Education Department; and, to other educational institutions under enforcement by the Tribal Education Department.
- (c) Tribal Education Department to maintain file of curriculum for public inspection. The Tribal Education Department shall maintain a file of copies of all approved tribal curriculum for public inspection consistent with tribal law.
- (d) Content of tribal curriculum.
- (1) Tribal curriculum to include instruction in the Rosebud Lakota language. Because the Rosebud Lakota language is an essential element of the life, culture, and identity of the Tribe, and because the Tribal Government recognizes the importance of preserving and perpetuating the language as necessary for the survival of the Tribe, tribal curriculum shall include for all grade levels instruction in the Rosebud Lakota language. The Director of the Tribal Education Department shall recommend to the Tribal Council a proposed tribal orthography for adoption or amendment. The Tribal Council shall establish a tribal orthography to be used in Rosebud Lakota language instruction on the Reservation. Instruction by local schools and other educational institutions in the Rosebud Lakota language shall follow the official tribal orthography adopted by the Tribal Council.
- (2) Tribal curriculum to include Rosebud Lakota culture. The Tribe must survive as a unique group of people, growing and developing in a social, economical, and political society within the larger American society. This requires that members of the Tribe and those non-members who reside among the Tribe, retain or develop knowledge and an understanding of, and respect for, Rosebud Lakota culture. To ensure this survival and perpetuate the Tribe, tribal curriculum shall include for all grade levels, courses or course content that develops knowledge and an understanding of, and respect for, the Rosebud Lakota culture.

- (3) Tribal curriculum to include tribal government and the federal-tribal and state-tribal relationships. Tribal curriculum shall include for all grade levels, courses or course content that develops knowledge and an understanding of the historical and modern Tribal Government, including its sovereign status and its government-to-government relationships with the federal and state governments.
- (4) Tribal curriculum to include health and nutrition instruction. Tribal curriculum shall include for all grade levels, courses or course content that develops knowledge and an understanding of health and nutrition practices and problems. Such courses or course content shall emphasize those problems that affect the Reservation, Such as the effect of alcohol, nicotine or tobacco, and drugs on individual, family, community, and tribal life, culture, and development. Such curriculum shall also emphasize the need for the alcohol, nicotine or tobacco, and drug abuse education policies and programs provided for by this Code.
- (5) Tribal curriculum to include parenting and family life. Tribal curriculum shall include, for all grade levels beginning with grade seven (7), courses or course content that develops knowledge and an understanding of, and skills in, parenting and family life. Such courses or course content shall include, but not be limited to, information about: cultural practices of the Tribe; specific problems regarding parenting and family life on the Reservation; and the need for the parental and community involvement policies and programs provided for by this Code.
- (6) Tribal curriculum to include tribal and American economics. Tribal curriculum shall include for all grade levels, courses or course content that develops knowledge and an understanding of the historical and modern Tribal economy and the American economic system.
- (7) Tribal curriculum to include the reservation landbase, tribal natural resources, and community environments. Tribal curriculum shall include for all grade levels, courses or course content that imparts knowledge and fundamental understandings about the historical, political, socioeconomic, and cultural elements of the Tribe's reservation landbase and natural resources. Such courses or course content shall include, but not be limited to, the historical development of the reservation landbase, the legal status of reservation

land tenure, cultural philosophies and value orientations about reservation land uses, past and contemporary management practices of tribal land resources, socioeconomic impacts of tribal natural resource development, physical environmental impacts of tribal land development, contemporary perspectives about global environmental issues, and vocational careers in tribal land management and decision-making.

- (e) Local schools and other educational institutions to comply with tribal curriculum. All local schools and other educational institutions shall provide instruction that is in substantial compliance with the tribal curriculum established by the Tribal Council. All students who graduate from local such schools and other educational institutions must be familiar with the subjects required by tribal curriculum under this Tribal Education Code.
- (f) Local schools and other educational institutions to report compliance with tribal curriculum. Local schools and other educational institutions shall annually report compliance with the provisions of this Code regarding compliance with tribal curriculum to the Tribal Education Department.
- (g) Tribal Education Department to evaluate and report compliance by local schools and other educational institutions with tribal curriculum. The Tribal Education Department shall evaluate compliance by local schools and other educational institutions with the provisions of this Code regarding tribal curriculum. The Department shall annually report its findings and recommendations regarding compliance with tribal curriculum to the Tribal Council.

Section 402. Education Standards

- (a) Procedures for developing tribal education standards. In developing tribal education standards, the Tribal Education Department shall:
 - (1) Review education standards of local schools and other educational institutions. Review the current education standards of local schools and other educational institutions for the attainment of academic excellence and high, but realistic expectations for all students; competence in all basic academic and cognitive skills; competence in English language and knowledge of the non-Indian American culture, governments, economics, and environment; competence in Rosebud Lakota language and knowledge of Rosebud Lakota culture, government, economics, and environment; knowledge of the history of the Rosebud

Sioux Tribe and of the role of tribal members in promoting the future of the Tribe; development of students as healthy individuals, members of families and communities, parents, citizens of the Tribe, the State, and the United States of America; development of self-discipline and positive self-worth; development of respect for all other living beings; development of attitude which encourages life-time learning, decision-making and undertaking of responsibilities in family life, community and tribal affairs, employment, recreation, and the use of environment; and parental and community involvement in the formal education process whereby the educational aspirations and the cultural values of parents and community members are promoted and respected;

- (2) Coordinate and consult with school boards and governing bodies. Coordinate and consult with school boards and the governing bodies of other educational institutions;
- (3) Consult with educators, community members, and parents. Consult with and obtain the comments of educators, parents, and members of the community;
- (4) Draft tribal education standards. Draft tribal education standards consistent with the standards of local schools, South Dakota law, and tribal law; provided, that to the extent tribal education standards conflict with the standards of local schools or with South Dakota law, the tribal education standards shall govern;
- (5) Circulate draft tribal education standards for review and comment. Circulate the draft tribal education standards, for review and comment and for a specified period of time, among school boards, the governing bodies of other educational institutions, selected educators, parents, members of the community and such other persons as the Department deems necessary;
- (6) Review comments on draft tribal education standards and make necessary changes. Review the comments and suggestions of those to whom the draft tribal education standards have been circulated, and after evaluating the comments and suggestions, make such revisions to the education standards as deemed necessary; and
- (7) Submit draft tribal education standards to Tribal Council. Submit the draft tribal education standards to the Tribal Council in the form of proposed tribal education standards for adoption or amendment.

- (b) Tribal Council to establish tribal education standards. The Tribal Council shall establish tribal education standards which shall apply: in local schools under the joint enforcement by the State Department of Education and the Tribal Education Department; and, in other educational institutions under enforcement by the Tribal Education Department.
- (c) Local schools and other educational institutions to comply with tribal education standards. All local schools and other educational institutions shall attain or meet the tribal education standards established by the Tribal Council.
- (d) Local schools and other educational institutions to report compliance with tribal education standards. Local schools and other educational institutions shall annually report compliance with tribal education standards to the Tribal Education Department.
- (e) Tribal Education Department to evaluate and report compliance by local schools and other educational institutions with tribal education standards. The Tribal Education Department shall regularly evaluate compliance by local schools and other educational institutions with tribal education standards. The Tribal Education Department shall annually report its findings and recommendations regarding compliance with tribal education standards to the Tribal Council.
- (f) Tribal education standards may be exceeded. Tribal education standards do not prohibit or limit local schools, school boards, South Dakota law, other educational institutions, or the governing bodies of other educational institutions from exceeding the standards. The Tribal Education Department shall publicly recognize such achievement.

EDUCATIONAL POLICIES AND PROGRAMS

Section 501. Alcohol, Nicotine or Tobacco, and Drug Abuse Education.

- (a) Tribal laws prohibiting drugs, controlled substances, and public consumption of alcohol govern local schools and other educational institutions. To the extent permitted by federal law, local schools and other educational institutions are subject to tribal laws prohibiting drugs, controlled substances, and the public consumption of alcoholic beverages on the Reservation.

(b) Local schools and other educational institutions to educate educators, employees, and students about alcohol, nicotine or tobacco, and drug abuse. Local schools and other educational institutions shall educate educators, other employees, and students about the need to maintain good health and prevent alcohol, nicotine or tobacco, and drug abuse. Such education shall include, but not be limited to: information about health curricula and educational policies and programs provided for and developed under this Tribal Education Code; and information about the policies of this Code as they relate to the health and survival of the Tribe.

(c) Procedures for developing tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs. In developing tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs, the Tribal Education Department shall:

(1) Review the current policies and programs of local schools and other educational institutions. Review the current policies and programs of local schools and other educational institutions. Such review may be conducted independently by the Department, or the Department may participate in the established processes of local schools and other educational institutions for reviewing their policies and programs;

(2) Review national policies, studies, and reports. Review current national policies, studies, and reports on alcohol, nicotine or tobacco, and drug abuse, particularly alcohol, nicotine or tobacco, and drug abuse by youth and Indian youth;

(3) Consult with educators, community members, parents, and students. Consult with and obtain the comments of educators, community members, parents, and students;

(4) Coordinate with school boards and governing bodies. Coordinate and consult with school boards and the governing bodies of other educational institutions;

(5) Draft tribal policies and programs. Draft tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs consistent with the policies and programs of local schools, South Dakota law, and tribal law; provided, that to the extent tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs conflict with the policies and programs of local schools or with South Dakota law, the tribal policies and programs shall govern.

- (6) Circulate draft policies and programs for review and comment. Circulate the draft tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs, for review and comment and for a specified period of time, among school boards, the governing bodies of other educational institutions, selected educators, parents, members of the community, and other such persons as deemed necessary;
 - (7) Review comments on draft tribal policies and programs. Review the comments and suggestions of those to whom the drafts have been circulated, and after evaluating the comments or suggestions, make such revisions to the policies and programs as deemed necessary; and
 - (8) Submit draft tribal policies and programs to Tribal Council. Submit the draft policies and programs to the Tribal Council in the form of proposed policies and programs for adoption or amendment.
- (d) Tribal Council to establish alcohol, nicotine or tobacco, and drug abuse education policies and programs. The Tribal Council shall establish tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs which shall apply to local schools and other educational institutions under the joint enforcement of the Tribal Education Department and the appropriate state and federal departments or agencies.
 - (e) Local schools and other educational institutions to comply with tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs. Local schools and other educational institutions shall provide alcohol, nicotine or tobacco, and drug abuse education policies and programs in substantial compliance with the tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs adopted by the Tribal Council.
 - (f) Local schools and other educational institutions to report compliance with tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs. Local schools and other educational institutions shall annually report compliance with tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs to the Tribal Education Department.
 - (g) Tribal Education Department to evaluate and report compliance by local schools and other educational institutions with tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs. The Tribal Education Department shall regularly evaluate compliance

by local schools and other educational institutions with tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs. The Tribal Education Department shall annually report its findings and recommendations on compliance with tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs to the Tribal Council.

- (h) Tribal Juvenile Court to be used only as a last resort in implementing this section. In implementing this section on alcohol, nicotine or tobacco, and drug abuse education, the Rosebud Sioux Tribe Juvenile Court shall be used only as a last resort.

Section 502. Parental and Community Involvement

- (a) Tribal Education Department to include parents and community members in implementation and refinement of Tribal Education Code. The Tribal Education Department shall include parents and community members in the implementation and refinement of this Tribal Education Code. Such inclusion and involvement shall include, but not be limited to, inclusion in: the development of tribal curriculum, education standards, and educational policies and programs; and the preparation of the annual State of the Reservation Education Report. Such inclusion and involvement shall be accomplished through the human network system as provided by this Code, and through other appropriate means. The Tribal Education Department shall also strive to include and involve parents and community members in addressing specific education problems and issues and in improving education on the Reservation.
- (b) Tribal Education Department to provide annual inservice training for parents and community members. The Tribal Education Department shall provide annually for parents and community members inservice training in the priority education areas and issues of the Tribe, and in asserting and advocating for the education of their children.
- (c) Local schools, schools boards, other educational institutions, and the governing bodies of other educational institutions to involve parents and community members. Local schools, school boards, other educational institutions, and the governing bodies of other educational institutions shall involve parents and members of the community in the schools in ways that include the following:

- (1) Formal processes regarding curriculum, education standards, policies regarding school governance, programs, and extra-curricular activities. They shall include at least one (1) parent or community member in the formal process of planning, developing, and evaluating curriculum, education standards, policies regarding school governance, educational policies and programs, and extra-curricular activities;
 - (2) Distribution of proposed curriculum and policies regarding school governance and curriculum and policy changes. They shall distribute draft copies of proposed curriculum, policies regarding school governance, and changes in curriculum and policies to parents and community members for review and input before the curriculum, policies, or changes are adopted or effective;
 - (3) Develop materials regarding curriculum, policies, and activities. They shall develop written materials designed to familiarize parents with the school's curriculum and policies and detailing specific activities that parents and students may undertake together to enrich the students' formal educational experience and development; and
 - (4) Procedures for parent-school communication. In cooperation with the Tribal Education Department, they shall review their procedures for communication between the parents and the schools, and shall review the effectiveness of those procedures. With the Tribal Education Department and parents, they shall strive to develop ways to improve such procedures.
- (d) Local schools and other educational institutions to report compliance and progress of parental and community involvement. Local schools and other educational institutions shall annually report to the Tribal Education Department their compliance with and progress under the provisions of this Code regarding parental and community involvement.
- (e) Tribal Education Department to evaluate compliance by local schools and other educational institutions with provisions for parental and community involvement. The Tribal Education Department shall regularly evaluate the compliance by and progress of local schools and other educational institutions with the provisions of this Code regarding parental and community.

- (f) Relationship of parental and community involvement to parenting and family life curriculum. The provisions of this Code regarding parental and community involvement apply to all parents and community members, including those students who are parents. The need for parental and community involvement in local schools and other educational institutions shall be included in the tribal curriculum containing instruction on parenting and family life.

EDUCATORS

Section 601. Educators.

- (a) **Qualifications.** To the extent required by federal, state, or tribal law, all educators shall maintain state certification in their work area. In addition, all educators shall gain and maintain specific knowledge and skills that will assist in improving their ability to serve students in the priority education areas of the Tribe as set forth in this Tribal Education Code.
- (b) **Training.** The Tribal Education Department shall regularly identify recertification areas appropriate for educators. In such identification, the Tribal Education Department shall consult and coordinate with school boards, the governing bodies of other educational institutions, and Sinte Gleska College. The Tribal Education Department and the College shall develop and provide accredited courses in those areas. Such courses shall be provided at the College or at local schools and other educational institutions for preservice or inservice training. The Tribal Education Department shall work with the state to gain state recognition of accredited tribal courses for educational recertification as qualifying to satisfy state recertification requirements for educators.
- (c) **Competency Guidelines and Evaluations.** Local schools and other educational institutions shall evaluate educators at least annually. Educator evaluations shall be done according to the policies and procedures of local schools and other educational institutions; provided, that:
- (1) **Evaluations to be made in writing.** Evaluations shall be made in writing after reasonable observation of each educator's performance and review of the results of that performance; and
 - (2) **Evaluation summaries and processes to be provided to Tribal Education Department.** Copies of written evaluation summaries, the evaluation processes, and any

changes in the evaluation processes shall be provided annually to the Tribal Education Department; and

- (3) **Teacher evaluations.** Evaluations of teachers shall include but not be limited to: assessment of instructional strategies; adherence to curricula objectives, including applicable tribal curriculum; student progress and performance; learning climate; and use of evaluation findings; and
- (4) **Non-teacher evaluations.** Non-teacher evaluations shall be based upon their specific job descriptions and shall include but not be limited to: assessment of adherence to the goals of tribal educational policies and programs and the intents, purposes, and policies of this Tribal Education Code; and student progress and performance.
- (d) **Certification.** The Tribe shall recognize successful completion of accredited tribal courses as qualifying to meet state and tribal recertification requirements for educators.
- (e) **Hiring and Retention.** In addition to satisfying the requirements of the State for hiring and retention, educators must satisfy tribal recertification requirements as provided by this Tribal Education Code.

INDIAN PREFERENCE

Section 701. Indian Preference

- (a) Tribal Council and Tribal Education Department to apply Indian preference. In implementing this Tribal Education Code, the Tribal Council and the Tribal Education Department shall apply Indian preference in the hiring, training, retention, and promotion of all staff, personnel, consultants, and contractors.
- (b) Local schools and other educational institutions to apply Indian preference. Local schools and other 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; provided, that nothing in this section prohibits or limits the application of other tribal Indian preference laws.
- (c) Local schools and other educational institutions to report compliance with Indian preference. Local schools and other educational institutions shall annually report compliance with the provisions of this Code on Indian preference to the Tribal Education Department.

- (d) Tribal Education Department to evaluate and report compliance by local schools and other educational institutions with Indian preference. The Tribal Education Department shall regularly evaluate compliance by local schools and other educational institutions with the Indian preference provisions of this Tribal Education Code. The Tribal Education Department shall annually report to the Tribal Council its findings and recommendations regarding compliance with the Indian preference provisions of this Code.

CHARTERED EDUCATIONAL PROGRAMS AND CHARTERED SCHOOLS

Section 801. Chartered Educational Programs and Chartered Schools.

- (a) Tribal Council may charter educational programs and schools. The Tribal Council, pursuant to the Tribal Constitution, may issue charters of incorporation by which the Council establishes a public corporation or other organization and charges that corporation or organization with providing for specific educational programs and schools on the Reservation.
- (b) Chartered educational programs and schools. The Tribal Council has chartered the following educational programs and schools:
- (1) Sicangu Oyate Ho, Inc. Sicangu Oyate Ho, Inc., by Resolution No. 8-14 (1970), for the operation of St. Francis Indian School on the Reservation.
 - (2) Sinte Gleska College Center, Inc. Sinte Gleska College Center, Inc., by Resolution No. 71-01 (1971), to provide for higher (post-secondary) education on the Reservation.
 - (3) Local Indian Education Inc. Local Indian Education, Inc., by Resolution No. 78-75 (1978), to be the prime contractor and administrator of the Johnson O'Mally program on or near the Reservation.
- (c) Chartered educational programs and schools subject to Tribal Education Code. Consistent with and to the extent permitted by tribal, state, federal law, chartered educational programs and schools shall operate according to the tribal resolutions approving their charter; their charters of incorporation; their articles of incorporation; and their bylaws, including all amendments and updates thereto. In addition, chartered educational programs and chartered schools are subject to applicable provisions of this Code and shall carry out their roles as described in this Code.

(d) Tribal Education Code does not affect other obligations of chartered educational programs and schools. Except as otherwise provided in this Tribal Education Code, nothing in this Code shall affect the incorporation of chartered educational programs and schools under state law or the obligations of chartered educational programs and chartered schools under state or federal law.

