

Title 16 – Tribal Education Code

Chapter 1. General Provisions

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Sec. 101. Title.

This Title is the Education Code of the Fort Peck Tribes and it may be cited as the Tribal Education Code.

Sec. 102. Authority of the Tribal Government.

(a) Inherent authority over formal education. The Fort Peck Tribal Government has the power and duty to exercise its inherent authority over formal education on the Fort Peck 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 Fort Peck Tribes apply to the maximum extent of the jurisdiction of the Tribes.

(c) Authority of Board to negotiate agreements to implement Tribal Education Code. As provided in the Tribal Constitution, Art. 7, Sec. 1, the Tribal Executive Board 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 Fort Peck

Reservation, the Tribal Executive Board does not sanction or cause any abrogation of the rights of the Tribes 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 laws of the United States or of the state government or any political subdivision thereof, including but not limited to the obligation to provide a non-discriminatory public education.

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

(a) Findings. The Fort Peck Executive Board finds that:

(1) Achievement levels at all elementary and secondary schools on the Fort Peck Reservation with high Native American enrollment are notably low.

(2) Drop-out rates in the elementary and secondary schools on the Fort Peck Reservation are exorbitant when compared to State of Montana and national averages.

(3) Indian Studies is taught in only some elementary and secondary schools on the Fort Peck Reservation on a limited basis. Specific tribal studies curricula have not been fully developed or implemented in any school system;

(4) Dakota and Nakoda languages are not offered in all elementary or secondary schools on the Fort Peck Reservation;

(5) While the elementary and secondary school population on the Fort Peck Reservation in 1995 was over fifty percent Indian, the percentage of Indian faculty and staff at those schools is much lower.

(6) Due to the number of middle and secondary school students on the Fort Peck 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;

(7) Parental and community involvement in the schools is inadequate. Such involvement, for

the most part, is limited to parent groups, committees, and procedures as required under federal Indian education laws and programs; and

(8) 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 Montana has also historically failed to meet the needs of Indian students on the Fort Peck Indian Reservation. Recognizing that a good formal education is critical to the survival of the Fort Peck Tribes, it is in the best interests of the Tribes to assert its responsibility over the formal education systems on the reservation to improve those systems and the Tribes.

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

(1) Preserve, protect, and perpetuate the Tribes. Provide the necessary resources to preserve, protect, and perpetuate the Fort Peck Tribes 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 Fort Peck Tribal Government on the purposes, standards, and functions of education on the Fort Peck Reservation; and

(3) Make education a good experience and good preparation for life. Make education on the Fort Peck 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 Fort Peck Tribes that:

(1) Tribal government must provide for education to protect its members. The most valuable resources of the Fort Peck Tribes are its tribal members and the Reservation landbase. To preserve, protect, and perpetuate the human resources within and on the native homelands of the Assiniboine and Sioux Tribes, 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, environment, and history; knowledge of Fort Peck Dakota and Nakoda languages and knowledge of Fort Peck Assiniboine and Sioux culture, government, economics, and environment; knowledge of the history of the Fort Peck Tribes and the role of tribal members in promoting the future of the Tribes; development of students as healthy individuals, members of families and communities, parents, citizens of the Tribes, 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 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 Tribes. 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 Tribes, its resources, and its culture; shall be carried out through coordinated efforts between the Tribal Education Department, 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 Tribes is self-determination consistent with its heritage. The Tribes are a people with a distinct political, economic, and cultural heritage. The ultimate goal of the Tribes regarding education is self-determination consistent with this heritage.

Sec. 104. Definitions.

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

(a) Board of Directors. "Board of Directors" means the Board of Directors of the Fort Peck Tribal Education Department, which shall function as the policy making body of the Fort Peck Tribal Education Department, subject to the ratification authority of the Tribes' Health, Education and Welfare Committee.

(b) Charter or Chartered. "charter" or "chartered" means chartered by the Executive Board under the Tribal Constitution.

(c) Code. "Code" means the Tribal Education Code of the Fort Peck Tribes.

(d) College. "College" means Fort Peck Community 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 (a) 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 Fort Peck 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. "Education 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 any 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 Tribes, 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 offering grades Kindergarten through twelfth, or any part of that span, located on the Reservation, and the Fort Peck Head Start Program.

(AMENDED PER RESOLUTION #1592-99-5, May 25, 1999.)

(o) Other Educational Institution. "Other Educational Institution" is any school (except Fort Peck Community 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 Executive Board or the Tribes.

(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" and "Fort Peck Reservation" means all land, waters, and waterways within the exterior boundaries of the Fort Peck Indian Reservation, Montana, as set forth in the Agreement of December 28 and December 31, 1885, confirmed by the Act of May 1, 1888, 25 Stat. 113, Chap. 212.

(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) State. "State" or "state government" means the State of Montana, or any political subdivision thereof.

(w) Student. "Student" means anyone who is officially enrolled in a local school or an other educational institution.

(x) Tribal Constitution. "Tribal Constitution" or "constitution" means the Constitution of the Fort Peck Tribes.

(y) Tribal Executive Board. "Executive Board" or "Board" means the Executive Board of the Fort Peck Tribes.

(z) 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.

(aa) Tribal Government. "Tribal Government" means the authorized government of the Fort Peck Tribes, which is the Fort Peck Tribal Executive Board.

(bb) Tribal Education Committee. "Tribal Education Committee" or "Education Committee" means the Education Committee of the Fort Peck Tribes.

(cc) Tribes. "Tribes" or "Tribal" means the Fort Peck Tribes and includes the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation.

Sec. 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.

Sec. 106. Masculine Gender Inclusive.

In construing the provisions of this Tribal Education Code, the masculine gender includes the feminine and the neuter genders.

Sec. 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.

Sec. 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.

Sec. 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.