

## **Title 16 – Tribal Education Code**

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

#### **Sec. 203. Tribal Education Department.**

(a) Establishment of Department. It is hereby recognized that the Tribal Education Department is an established part of the Tribal Government 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) Board of Directors to employ Director of Tribal Education Department. The Board of Directors shall, upon ratification of the Education Committee, employ a Director of the Tribal Education Department, who shall be a full-time employee of the Tribes and who shall maintain an office in Poplar, Montana. 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 Board of Directors shall establish the qualifications for and the salary of the Director of the Tribal Education Department.

(2) Staff of Tribal Education Department. Subject to the ratification of the Education Committee, the Board of Directors 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 Department,

(3) Staff Duties. Subject to approval of the Board of Directors, 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) Personnel policies and procedures. It is hereby recognized that the present department personnel policies and procedures, as adopted by Resolution No. 874-52-5 shall remain in effect, provided that this code shall supersede any inconsistent provision.

(d) Power and duties of Director. Subject to the authority of the Board of Directors and Education

Committee, 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 Board of Directors 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 Poplar, Montana, provided by the Tribes, 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 Executive Board; 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 education institutions, the Tribes, 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 education 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, or their designee. 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 the Education Committee, Board of Directors, school board(s); State of the Reservation Education Report. Report the current results of the gathering and compiling of data to the Executive Board, Department Board of Directors, 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 Tribes and the State on education matters. Act as a liaison between the Tribes and the state on education matters, as directed by the Board of Directors. 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 Board of Directors;

(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 Tribes, 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 reviewed and recommended by the Board of Directors and ratified by the Education Committee;

(8) Hire or contract with consultants. Subject to the review and recommendations of the Board of Directors and ratification of the Education Committee, 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) Enforce and evaluate compliance by local schools with Tribal curriculum and education standards. On behalf of the Tribes, 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;

(12) 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;

(13) 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;

(14) With Fort Peck Community College, develop accredited Tribal re-certification courses for educators, and work with the College in other areas. With Fort Peck Community College, develop accredited Tribal re-certification 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;

(15) 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;

(16) Develop advisable rules. Develop and recommend to the Board of Directors 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 reviewed and recommended by the Board of Directors and adopted by the Education Committee unless the Committee otherwise provides. The Board of Directors 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.

(17) Report and consult with Board of Directors. In all matters relating to the Director's duties, report and consult with the Board of Directors at the Board's regular and special meetings.

(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 Board of Directors and Education Committee. 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 Tribes when so authorized by the Board of Directors.

(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 Tribes 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.

(18) Establish and coordinate 2 meetings a year regarding Impact Aid with all area school districts.

(AMENDED AS PER RESOLUTION NO. 17-1526-2015-01; DATED 1/26/2015.)