

## **Title XVI - Tribal Education Code**

### Chapter 1: General Provisions

- Sec. 101. Title
- Sec. 102. Authority of the Tribal Government
- Sec. 103. Findings, Intents and Purposes, and Declaration of Policy
- Sec. 104. Definitions
- Sec. 105. Construction of Tense Used
- Sec. 106. Masculine Gender Inclusive
- Sec. 107. Reference to Code Includes Amendments
- Sec. 108. Severability
- Sec. 109. Repeal of Inconsistent Ordinances

### Chapter 2: Tribal Education Department

- Sec. 201. Education Committee
- Sec. 202. Board of Directors of the Fort Peck Tribal Education Department
- Sec. 203. Tribal Education Department

### Chapter 3: School Board and Governing Bodies

- Sec. 301. School Boards
- Sec. 302. Governing Bodies of Other Educational Institutions

### Chapter 4: Curriculum and Education Standards

- Sec. 401. Curriculum
- Sec. 402. Education Standards

### Chapter 5: Parental and Community Involvement

- Sec. 501. Parental and Community Involvement

### Chapter 6: Educators

- Sec. 601. Educators.
  - (a) Qualifications
  - (b) Training
  - (c) Competency Guidelines and Evaluations
  - (d) Certification
  - (e) Hiring and Retention

### Chapter 7: Indian Preference

- Sec. 701. Indian Preference

### Chapter 8: Chartered Educational Programs and Chartered Schools

- Sec. 801. Chartered Educational Programs and Chartered Schools

## **CHAPTER 1: GENERAL PROVISIONS**

### **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. VII, 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, Intents 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) Intent 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.

## **CHAPTER 2: TRIBAL EDUCATION DEPARTMENT**

**Sec. 201. Education Committee.**

(a) Pursuant to resolution of the Fort Peck Tribal Executive Board, the Tribal Education Committee (Education Committee) shall have standing authority over Tribal Education Department. The Fort Peck Tribal Education Committee shall have standing authority over the Tribal Education Department, and shall ratify, reject or amend the recommendations of the Board of Directors of the Fort Peck Tribal Education Department. As the body with standing authority, the Education Committee shall:

(1) Ratify Employment of Director of Tribal Education Department. The Education Committee shall ratify, reject or amend the employment of a Director of the Tribal Education Department who shall be the principal administrator and enforcer of this Tribal Education Code;

(2) Ratify Employment of Tribal Education Department Staff. The Education Committee shall ratify, reject or amend the employment of Tribal Education Department Staff, who shall work under the supervision of the Director in such tasks as may be assigned;

(3) Ratify contracts and agreements with consultants. The Education Committee shall ratify, reject or amend contracts and agreements with consultants that have been reviewed and recommended by the Board of Directors and that are consistent with this Code;

(4) Ratify tribal curriculum. The Education Committee shall ratify, reject or amend tribal curriculum, recommended by the Board of Directors, in the areas specified in and in accordance with this Code. Such curriculum shall include a tribal orthography to be used in Dakota and Nakoda language instruction on the Reservation;

(5) Ratify tribal education standards. The Education Committee shall ratify, reject or

amend tribal education standards, recommended by the Board of Directors, in accordance with this Code;

(6) Ratify tribal educational policies and programs. The Education Committee shall ratify, reject or amend tribal educational policies and programs, recommended by the Board of Directors, as specific in and in accordance with this Code;

(7) Review regular reporting by the Board of Directors. The Education Committee shall review regular reporting by the Board of Directors of 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;

(8) Actively promote and assist coordination of tribal services and programs. The Education Committee shall actively promote and assist the coordination of tribal services and programs on critical education issues to meet the intents, purposes, and policies of this Code;

(9) Adopt or reject rules recommended by Board of Directors or delegate rule authority to Director. The Education Committee shall adopt or reject rules recommended by the Board of Directors as provided by this Code. The Education Committee may also delegate rule-making authority to the Board as it deems necessary;

(10) Approve or disapprove tribal education department appropriations and operating budgets. The Education Committee shall approve or disapprove appropriations and operating budgets requested from the Board of Directors for the Tribal Education Department consistent with this Code and tribal appropriation law;

(11) Seek grants and funding for education improvement. The Education Committee 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;

(12) Promote local control of education. The Education Committee shall actively promote local control of education under charters consistent with the intents, purposes, and policies of this Code;

(13) Establish advisory commissions and committees on educational policies and legislation as necessary. The Education Committee shall establish advisory commissions and committees on education as it deems necessary. Such commissions or committees shall serve in an advisory capacity to the Board in the development of tribal education legislation and policies, and in other matters affecting education on the Reservation; and

(14) Enact education legislation. The Education Committee shall regularly consider the condition, needs, and progress of education on the Reservation and recommend enactment of such additional legislation or changes in existing legislation as may be deemed desirable to the Tribal Executive Board.

**Sec. 202. Board of Directors of the Fort Peck Tribal Education Department.**

(a) The Board of Directors of the Fort Peck Tribal Education Department to be policy determining body of Tribal Education Department. Subject to the ratification authority of the Education Committee, the currently constituted Board of Directors of the Fort Peck Tribal Education Department shall be the policy-determining body of the Tribal Education Department. As the policy-determining body, the Board of Directors shall:

(1) Employ Director of Tribal Education Department. The Board of Directors, upon ratification by the Education Committee, shall employ a Director of the Tribal Education Department who shall be the principal administrator and enforcer of this Tribal Education Code;

(2) Employ Tribal Education Department Staff. The Board of Directors, upon ratification by the Education Committee, shall employ Tribal Education Department Staff, who shall work under the supervision of the Director in such tasks as may be assigned;

(3) Review regular reporting by the Tribal Education Department. The Board of Directors 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 Board of Directors 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) Review and recommend contracts and agreements with consultants. The Board of Directors shall review and recommend contracts and agreements with consultants consistent with this Code. Such recommendations shall be submitted to the Education Committee for ratification;

(6) Review and recommend Tribal curriculum. The Board of Directors shall review and recommend Tribal curriculum in the areas specified in and in accordance with this Code. Such recommendations shall be submitted to the Education Committee for ratification;

(7) Review and recommend Tribal education standards. The Board of Directors shall review and recommend Tribal education standards in accordance with this Code. Such recommendations shall be submitted to the Education Committee for ratification;

(8) Review and recommend Tribal educational policies and programs. The Board of Directors shall review and recommend Tribal educational policies and programs as specific in and in accordance with this Code. Such recommendations shall be submitted to the Education Committee for ratification;

(9) Review and recommend rules recommended by Director or delegate rule authority to Director. The Board of Directors shall review and recommend for adoption rules recommended by the Director as provided by this Code. The Board of Directors may also recommend delegation of rule-making authority to the Director as it deems necessary. Such recommendations shall be submitted to the Education Committee for ratification;

(10) Review and recommend Tribal Education Department appropriations and operating budgets. The Board of Directors shall review and recommend appropriations and operating budgets for the Tribal Education Department consistent with this code. Such recommendations shall be submitted to the Education Committee for ratification. 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;

(11) Seek grants and funding for education improvement. The Board of Directors 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;

(12) Promote local control of education. The Board of Directors shall actively promote local control of education under charters consistent with the intents, purposes, and policies of this Code;



**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 of 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.

## **CHAPTER 3: SCHOOL BOARDS AND GOVERNING BODIES**

### **Sec. 301. School Boards.**

(a) State law and Tribal law govern school boards. State law, including but not limited to that set forth in Title 20 of the Montana Code Annotated, 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.

### **Sec. 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.

## **CHAPTER 4: CURRICULUM AND EDUCATION STANDARDS**

### **Sec. 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, Montana law, and tribal law; provided that , to the extent tribal curriculum conflicts with the curriculum of local schools or with Montana 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 with the advice of the Board of Directors, make such revisions to the curriculum as deemed necessary; and,

(8) Submit draft curriculum to Board of Directors. Submit the curriculum, or changes, or both, to the Board of Directors in the form of proposed tribal curricula objectives for adoption or amendment.

(b) Education Committee to ratify tribal curriculum. The Education Committee shall ratify, reject or amend the 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 Dakota and Nakoda languages of the Fort Peck Tribes. Because the language is an essential element of the life, culture, and identity of the Tribes, and because the Tribal Government recognizes the importance of preserving and perpetuating the language as necessary for the survival of the Tribes, Tribal curriculum shall include for all grade levels instruction in the Dakota and Nakoda languages. The Director of the Tribal Education Department shall recommend to the Executive Board a proposed Tribal orthography for Dakota and Nakoda adoption or amendment. The Executive Board shall establish a Tribal orthography to be used in language instruction on the Reservation. Instruction by local schools and other educational institutions in the Dakota and Nakoda languages shall follow the official Tribal orthography adopted by the Executive Board.

(2) Tribal curriculum to include Assiniboine and Sioux culture. The Tribes 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 Tribes and those nonmembers who reside among the Tribes, retain or develop knowledge and an understanding of, and respect for, Assiniboine and Sioux culture. To ensure this survival and perpetuate the Tribes,

Tribal curriculum shall include for all grade levels, courses or course content that develops knowledge and an understanding of, and respect for, the Assiniboine and Sioux 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 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 Tribes; 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, course 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 Tribes'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 Tribes. 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 Board of Directors and Education Committee.

**Sec. 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 Dakota and Nakoda languages and knowledge of Assiniboine and Sioux culture, government, economics, and environment; knowledge of the history of the Fort Peck Tribes and of 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 lifetime 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, Montana law, and Tribal law; provided, that to the extent Tribal education standards conflict with the standards of local schools or with Montana 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 Board of Directors. Submit the draft Tribal education standards to the Board of Directors in the form of proposed Tribal education standards for adoption or amendment.

(b) Education Committee to ratify Tribal education standards. The Education Committee shall ratify, reject or amend the 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 Tribes.

(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 Board of Directors and Education Committee.

(f) Tribal education standards may be exceeded. Tribal education standards do not prohibit or limit local schools, school boards, Montana law, other education institutions, or the governing bodies of other educational institutions from exceeding the standards. The Tribal Education Department shall publicly recognize such achievement.

## **CHAPTER 5: PARENTAL AND COMMUNITY INVOLVEMENT**

### **Sec. 501. 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 open public meetings, 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 in-service training for parents and community members. The Tribal Education Department shall provide annually for parents and community members in-service training in the priority education areas and issues of the Tribes, 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.

## **CHAPTER 6: EDUCATORS**

### **Sec. 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 Tribes as set forth in this Tribal Education Code.

(b) Training. The Tribal Education Department shall regularly identify re-certification 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 Fort Peck Community 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 pre-service or in-service 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 re-certification 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 Tribes shall recognize successful completion of accredited Indian related courses as qualifying to meet state and tribal re-certification requirements for educators.

(e) Hiring and Retention. In addition to satisfying the requirements of the State for hiring and retention, educators must satisfy tribal re-certification requirements as provided by this Tribal Education Code.

## **CHAPTER 7: INDIAN PREFERENCE**

### **Sec. 701. Indian Preference.**

(a) Tribal Education Department to apply Indian preference. In implementing this Tribal Education Code, 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 Board of Directors and Education Committee its findings and recommendations regarding compliance with the Indian provisions of this Code.

## **CHAPTER 8: CHARTERED EDUCATIONAL PROGRAMS AND CHARTERED SCHOOLS**

### **Sec. 801. Chartered Educational Programs and Chartered Schools.**

(a) Executive Board may charter educational programs and schools. The Executive Board,

pursuant to the Tribal Constitution, may issue charters of incorporation by which the Board 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 Executive Board has chartered the following educational programs and schools:

(1) Fort Peck Community College Center Inc., by Resolution No. 486-76-4, to provide for higher (post-secondary) education on the Reservation.

(2) Fort Peck Head Start Component, by Resolution No. 436-66-12, to provide for preschool and early childhood education programs on 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.

**(ADOPTED AS PER RESOLUTION NO. 3809-95-8, DATED 08/29/95.)**