

DOCUMENT RESUME

ED 454 000

RC 023 021

TITLE Tribal-State Partnerships: Cooperating To Improve Indian Education.

INSTITUTION National Indian Education Association, Arlington, VA.; Native American Rights Fund, Boulder, CO.

PUB DATE 2000-06-00

NOTE 171p.; Also prepared by the Rosebud Sioux Tribe; Mandan, Hidatsa, and Arikara Nation; Jicarilla Apache Tribe; Stockbridge-Munsee Community Band of Mohican Indians; Cherokee Central Schools of the Eastern Band of Cherokee Indians; Affiliated Tribes of Northwest Indians; Montana Indian Education Association; and National Indian School Board Association. Paper prepared for the National Congress of American Indians, Mid-Year Session (Juneau, AK, June 25-28, 2000).

PUB TYPE Legal/Legislative/Regulatory Materials (090) -- Reports - Descriptive (141) -- Speeches/Meeting Papers (150)

EDRS PRICE MF01/PC07 Plus Postage.

DESCRIPTORS *American Indian Education; Early Childhood Education; Elementary Secondary Education; Federal Indian Relationship; *Federal Legislation; Governance; Laws; *Partnerships in Education; *State Departments of Education; *State Legislation; *Tribally Controlled Education; Tribes

IDENTIFIERS Bureau of Indian Affairs Schools; *State Tribal Relationship

ABSTRACT

American Indian students attend Bureau of Indian Affairs (BIA) schools, BIA schools operated by tribes under contracts and grants, public schools off Indian reservations, and public schools on Indian reservations. Who has legal jurisdiction over Indian education in these various scenarios is undecided, so some tribes, states, and school districts have entered into mutual agreements to advance Indian education. In Washington, the Skokomish Tribe has a memorandum of agreement with the Hood Canal school district and the state superintendent of public instruction to operate a project to increase tribal student reading achievement and community involvement; the Swinomish tribal community in Washington has a cooperative agreement with the local school district and Head Start program for the collaborative provision of early childhood services; and the Lummi tribal schools have an agreement with their local school district that addresses funding and provision of education for BIA grant school students. Other examples are given of co-governance between tribes and schools in the areas of truancy, impact aid funding, Johnson O'Malley programs, and school board composition and operation. Aspects of state and tribal cooperation that are required by state law are reviewed, and factors contributing to sustaining collaborative efforts in Indian education are listed. Most of this document consists of appendices, which present cooperative agreements, applicable laws, and contact information. (TD)

*“Tribal-State Partnerships:
Cooperating to Improve Indian Education”*

a Paper
prepared for
the National Congress of American Indians
Mid-Year Session
June 25 - 28, 2000
Juneau, Alaska

Prepared by

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the Cherokee Central Schools of the Eastern Band of Cherokee Indians
the Affiliated Tribes of Northwest Indians
the Montana Indian Education Association
the National Indian School Board Association
the National Indian Education Association and
the Native American Rights Fund

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I. THE MUTUAL INTEREST: TRIBAL STUDENTS

There are about 450,000 American Indian and Alaska Native elementary and secondary students in this country. Located in every state, they are members of over 550 federally recognized sovereign Indian tribes.

About ten percent of tribal elementary and secondary students attend schools operated by the Bureau of Indian Affairs (BIA) or by tribes under contracts and grants. The other ninety percent attend public schools. Final Report of the Indian Nations at Risk Task Force, U.S. Department of Education, *Indian Nations at Risk: An Educational Strategy for Action* at 2 (October 1991). About half of the public schools are located off of Indian reservations or outside "Indian country" as that term is defined by federal law. The rest are on or near reservations or within Indian country.

Available data shows that many of these tribal students suffer from disproportionately low achievement scores, graduation rates, and educational attainment levels. See Statement by Michael Cohen, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, before the Senate Committee on Indian Affairs on the FY 2001 Budget for Department of Education Programs that Serve Indians (Feb. 23, 2000); *Indian Nations at Risk* at 7; Bureau of the Census, Economics and Statistics Administration, U.S. Department of Commerce, *We the First Americans* at 4 (September 1993); see also Rosebud Sioux Tribe, *State of Reservation Education Report*, (1989-1990 and subsequent years). In some places, drop out rates for tribal secondary students are at sixty percent, or higher. *Indian Nations at Risk* at 6-7.

This educational deficit severely damages tribal communities and the nation at large – socially, culturally, and economically. See *Indian Nations at Risk* at 2; *We the First Americans* at 5-6. Both Tribes and States have an interest in helping these tribal students.

II. THE JURISDICTIONAL QUESTIONS: TRIBES AND STATES

Prior to contact with non-Indians, tribes had complete and effective control of the education of their members. See Raymond Cross, *American Indian Education: The Terror of History and the Nation's Debt to the Indian Peoples*, 21 U. Ark. Little Rock L. Rev. 941, 945-949 (1999). Since the founding of the United States of America, federal law and policy has transferred *governance* of Indian education – meaning primary and actual authority for formal education – from tribal to federal to state sovereigns. *Id.* at 959-694.

But what about *jurisdiction*? Who has legal authority over tribal students and the public schools that are on reservations or in other Indian country? Do Tribes, because the students are tribal members and the schools are on-reservation? Or do States, because school districts are their political entities whose location on-reservation has been sanctioned by federal law? Or, at least in some instances, perhaps where public school students are both tribal and non-Indian, do Tribes and States have concurrent authority?

These questions have not been conclusively resolved. The few courts that have addressed them are reaching various results. Compare *Glacier County Sch. Dist. v. Galbreath*, 47 F.Supp.2d 1167, 1171 (D.Mont. 1997) (under the "direct effect" test of *Montana v. United States*, 450 U.S. 544 (1981), as applied to the facts of *Glacier County*, a tribe could not regulate the administration and operation of a public school located on non-Indian fee land within a reservation) with *Lewis County v. Allen*, No. 93-0382, Slip Op. at 28 (D.Idaho June 7, 1994) ("it may very well be that by creating a school district and constructing and operating schools within the reservation, ... [a state] create[s] a "consensual relationship" with the tribe under the first *Montana* exception."), *aff'd on other grounds*, *County of Lewis v. Allen*, 163 F.3d 509 (9th Cir. 1998) (*en banc*); see also *Meyers v. Board of Educ.*, 905 F. Supp. 1544, 1578 (D.Utah 1995) ("all of the entities involved in this case – the District, the State, the United States, and the Navajo Nation – each has a duty to educate the children of Navajo Mountain. The duty of one does not relieve any other of its own obligation. The precise scope of that duty may depend on facts that have yet to be developed.").

Taking these issues to court could consume enormous resources, including the expense of delaying or denying improvement of education for tribal students. Rather than litigating the issues, some tribes, states, and their political entities

such as public school districts, are choosing to enter into mutual agreements to advance Indian education. See generally Affiliated Tribes of Northwest Indians and The Northwest Regional Assistance Center of the Northwest Regional Education Laboratory, Draft Report of Findings and Criteria for Design of Training and Technical Assistance, *Models for Collaboration: Relationships Between Tribes and School Districts in the Northwest* (Apr. 28, 2000); see also John E. Silverman, *The Miner's Canary: Tribal Control of American Indian Education and the First Amendment*, 19 Fordham Urb. L. J. 1019, 1021(1992) ("This Note concludes that the key to Native American educational success lies with the encouragement of parental involvement, and the establishment of state-tribal compacts and tribal education departments and codes.").

III. COLLABORATIVE EFFORTS: PROCESSES AND RESULTS

A. Processes

In some instances, the law may dictate or guide the process by which Tribes and States may reach and enter into collaborative efforts. E.g., Pub. L. No. 81-874, 64 Stat. 1100, as amended by Pub. L. No. 95-561, 92 Stat. 2315, requires school districts, as a condition of getting Impact Aid funding, to consult with Indian parents and tribes regarding school programs and activities. 20 U.S.C. § 7704(a); see also Colo. Rev. Stat. § 22-32-122 (2000) (authorizing school districts to contract with, among other entities, Indian tribes for services, equipment, and supplies, and requiring certain provisions in such contracts).

In absence of or as a complement to applicable law, the preparers of this Paper have found the following process steps useful, if not critical, to successful collaboration:

- communications / introductions / meetings among parties;
- preparation and sharing of information, data, needs, plans, and goals;
- sharing research on other models / best practices / examples of cooperative agreements and efforts;
- identification of and agreement on mutual interests, needs, goals, and priorities;
- identification of available resources and contributions of each party to carry out goals and priorities;
- identification of and, where appropriate, sharing of and plans for addressing possible obstacles to reaching agreement (i.e., legal impediments, confidentiality matters, opposing factions, fear of change, concerns about loss of or changes in employment, roles, and responsibilities);
- agreements on commitments to agreement;
- willingness of both parties to be open and honest;
- agreements on the scope of negotiations and of the proposed agreement;
- joint development of a negotiations process, including the possible use of third parties as facilitators or resources;
- joint development of rules for negotiations (this may include, for example, agreements to disagree on certain points, but not to dwell on or even raise these);
- development of a networking process to get input and involvement of constituencies / stakeholders / those most affected by the proposed agreement;
- joint development of written background materials & supporting documents for the agreement;
- holding joint public meetings / hearings that allow reasonable input and sharing;
- identification and assignment of roles and responsibilities in the negotiations and networking processes;
- planning and actual negotiations;
- drafting, redrafting, and at least some joint review of the same;
- development of joint strategies of flexibility, options, and overcoming obstacles.

Many of these steps are set forth in more detail in the Native American Rights Fund, Indian Education Legal Support Project, *Presentation / Workshop Materials* (1993, updated 1995); and, the Native American Rights Fund, Indian Education Legal Support Project, *Draft Materials for Tribal Governance in Education* (1994).

B. Results

1. Cooperative agreements for education funding, data, and services

Several tribes have agreements with public schools that serve their members. The Skokomish Tribe in Washington has a Memorandum of Agreement (MOA) with the Hood Canal School District and the State Superintendent of Public Instruction to operate a project to increase tribal student reading achievement and community and family involvement. Under this project, tribal employees can volunteer one hour a week to help students with reading and other school subjects. Summer and after school curricula integrate computer technology, physical activities, and tribal language and culture. A copy of this MOA is appended with permission to this Paper in the Affiliated Tribes of Northwest Indians and The Northwest Regional Assistance Center of the Northwest Regional Education Laboratory, Draft Report of Findings and Criteria for Design of Training and Technical Assistance, *Models for Collaboration: Relationships Between Tribes and School Districts in the Northwest* (Apr. 28, 2000).

The Swinomish Tribal Community in Washington has a Cooperative Agreement with the LaConner Public School District and the Skagit Islands Head Start Program for the collaborative funding and provision of early childhood intervention services for pre-school children and their families. A copy of this Agreement is appended with permission to this Paper as part of the Affiliated Tribes of Northwest Indians and The Northwest Regional Assistance Center of the Northwest Regional Education Laboratory, Draft Report of Findings and Criteria for Design of Training and Technical Assistance, *Models for Collaboration: Relationships Between Tribes and School Districts in the Northwest* (Apr. 28, 2000).

Tribes such as the Rosebud Sioux Tribe in South Dakota and the Navajo Nation have reached agreements with States and public school districts whereby the Tribes receive needed data kept by the States and schools on tribal students. This is despite ambiguity in the Family Educational and Privacy Rights Act of 1974, Pub. L. No. 90-247, 88 Stat. 571 (FERPA). FERPA generally prohibits public schools from releasing student data without prior parental consent. 20 U.S.C. § 1232g. Exceptions are made for data requested by the federal and state governments, but it is unclear whether Tribes are entitled to this exception, as well.

Under the Tribally Controlled Schools Act of 1988, Pub. L. No. 100-297, 102 Stat. 385, tribes can operate by grants schools formerly run by the BIA. See 25 U.S.C. §§ 2501-2511. At least two tribal grant schools have cooperative agreements with public school districts.

The Lummi Tribal Schools in Washington have an agreement with the Ferndale School District that addresses funding and provision of education for grant school students. By enrolling the grant school students in the public school district, the school district receives state funding for those students. The school district then apportions that funding to the grant school in exchange for the grant school's provision of educational services for the students. A copy of this agreement is reprinted with permission in the Native American Rights Fund, Indian Education Legal Support Project, *Cooperative Agreements in Indian Education* 39-68 (October 1998).

The Cherokee Central Schools in North Carolina have an agreement with the Swain County School District by which the boards of each school jointly approve the use of the school district's Impact Aid and state funds. The school district must use some of these funds for the tribal grant school. For example, the school district provides Driver Education, test scoring services, and teachers to the grant school. In exchange, the grant school provides the school district with tribal language and culture curriculum for tribal students attending the public school. A copy of this agreement is appended with permission to this Paper.

2. Co-Governance in truancy, Impact Aid funding, JOM programs, and schools

The Stockbridge-Munsee Community Band of Mohican Indians in Wisconsin has an arrangement with the Bowler School District to address truancy. The Tribe and the School District agreed that additional staffing was needed to handle tribal student truancy. The Tribe paid the entire first-year salary of a Home School Coordinator. For subsequent years the Tribe and the School District have split the costs of this staff position. Federal law generally allows state compulsory school

attendance laws to apply on Indian reservations only with the consent of the tribe. 25 U.S.C. § 231. In this instance, the Tribe has its own Truancy Ordinance. Rather than debate issues of which sovereign's truancy laws governed which children and where, the Home School Coordinator is charged with enforcing both the Tribal Truancy Ordinance and the State Compulsory Attendance Law.

The Rosebud Sioux Tribe operates a Truancy Intervention Program (TIP) and funds it annually with over \$100,000 from the Tribe's Tribal Priority Allocation grant under the Indian Self-Determination and Education Assistance Act of 1975, Pub. L. No. 93-638, 88 Stat. 2203. See also 25 U.S.C. § 2010(c). Under the TIP, two Truancy Intervention Officers work to increase attendance in both the tribal grant school and the public schools. The TIP is an award-winning program that has been independently evaluated as an effective means of reducing tribal student truancy in both tribal and public schools. See Harvard University, *Honoring Nation's Program: Finalists* (1999); RJS & Associates, Inc., *External Evaluation Final Report: Rosebud Sioux Tribal Education Department and Tribal Education Code* (1999). A copy of the Rosebud Sioux TIP Budget Request Proposal for FY 2000 is appended with permission to this Paper.

The Rosebud Sioux Tribe also has an arrangement with the Todd County School District to co-manage the School District's Impact Aid funds. The School District's Impact Aid "Indian Policies and Procedures" put the Tribe's Education Department on a level equal with the School District regarding the application for, use of, and accountability for Impact Aid funding. There is no federal law requiring the School District to do so. The School District amended its Indian Policies and Procedures after the Tribe enacted its Tribal Education Code in 1991. The Indian Policies and Procedures recognize the Tribe's Education Code as the basis for the arrangement, along with the parties' mutual desire "to ensure a cooperative working relationship...." A copy of the Todd County School District's Indian Policies and Procedures are appended with permission to this Paper.

The Johnson O'Malley Act of 1934, 48 Stat. 596 (JOM), authorizes the BIA to contract with states and their political subdivisions for, among other things, Indian education. 25 U.S.C. §§ 452 -457. Under the Indian Self-Determination and Education Assistance Act of 1975, Pub. L. No. 93-638, 88 Stat. 2203, many tribes contract the operation of JOM programs. 25 U.S.C. §§ 450-450n. This in turn leads to JOM contracts between tribes and public schools. Indeed, JOM contracts probably represent the majority of Tribal-State Partnerships in Indian education. See Affiliated Tribes of Northwest Indians and The Northwest Regional Assistance Center of the Northwest Regional Education Laboratory, *Draft Report of Findings and Criteria for Design of Training and Technical Assistance, Models for Collaboration: Relationships Between Tribes and School Districts in the Northwest* at 7-11 (Apr. 28, 2000). At present the Navajo Nation has multi-year JOM contracts with thirty-five public school districts, many of which as a matter of tribal law require instruction in tribal language as a contract condition.

Under the Indian Education Act of 1978, Pub. L. No. 95-561, 92 Stat. 2316, as amended, tribes may select or elect school boards for BIA schools. 25 U.S.C. § 2026(10). At least three BIA schools have agreements with public school districts on school governance. Two of these BIA schools are located on the Turtle Mountain Band of Chippewa Indians Reservation in North Dakota. They have agreements to co-govern the BIA schools and the public schools. See the Native American Rights Fund, Indian Education Legal Support Project, *Cooperative Agreements in Indian Education* 23 -34 (October 1998). Under the Cheyenne-Eagle Butte School Cooperative School Agreement, a BIA boarding school located on the Cheyenne River Sioux Reservation in South Dakota and a public school have established a Combined School Board to address matters of budget and finance, personnel, curriculum, transportation, and student rights. *Id.* at 11-22.

3. Other interactions in school governance and curriculum

Montana is the only state in the Union that constitutionally recognizes the importance of Indian education. "The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity." Mont. Const. art. X, § 1(2). Recent legislation – H.B. 528 – helps clarify the intent of this constitutional language. H.B. No. 528, 56th Leg., Reg. Sess. (Mont. 1999). Among other things, H.B. 528 requires every educational agency and all educational personnel to work cooperatively with Montana tribes when providing instruction, implementing educational goals, and adopting education rules. H.B. No. 528, Sec. 1(b). The Montana Board of Education has issued a Report and Recommendations to implement H.B. 528. The Recommendations "encourage tribal-state

cooperative agreements ... that will allow for state and local education leadership and tribal governments to work together to determine appropriate and culturally responsive educational goals for citizens of the Montana reservation communities ." A copy of H.B. 528 and the Report and Recommendations are appended to this Paper.

Several states have provided by state law for tribes to serve as school boards. See, e.g., Fla. Stat. ch. § 285.18 (2000) (designating Seminole and Miccosukee Tribes as governing bodies of special improvement districts under state law, and authorizing them to contract with adjoining school districts for education services and programs); Minn. Stat. § 128B.011 (2000) (vesting the "care, management, and control of Pine Point [public] school" in the Tribal Council of the White Earth Reservation, and confirming that the "council has the same powers and duties as a school board...."). On the Mandan, Hidatsa, and Arikara Nation's Reservation in North Dakota, three tribal grant schools also receive funding and operate as public school districts under state law.

As provided in its Education Code, the Rosebud Sioux Tribe has developed tribal education standards in Lakota Studies for grades K-12. Standards development occurred through a collaborative process among the Tribal Education Department, the tribal college, Sinte Gleska University, and the Todd County School District. In 1997, the School District finalized and adopted these standards. In 1998, the School District began integrating the standards into its regular curriculum. See RJS & Associates, Inc., *External Evaluation Final Report: Rosebud Sioux Tribal Education Department and Tribal Education Code* at 14 (1999).

The Kalispel Tribe in Washington and the Cusick Public School District have together created a high school class called "Intro to Indian Studies." It has been so successful as a one semester elective class that plans are underway to develop it into a K-12 curriculum and to expand it to include a tribal language component. This initiative is discussed in Affiliated Tribes of Northwest Indians and The Northwest Regional Assistance Center of the Northwest Regional Education Laboratory, Draft Report of Findings and Criteria for Design of Training and Technical Assistance, *Models for Collaboration: Relationships Between Tribes and School Districts in the Northwest* at 14 (Apr. 28, 2000), appended with permission to this Paper.

Some tribes such as the Rosebud Sioux, the Navajo Nation, the Chippewa-Cree Tribe of the Rocky Boy's Reservation in Montana, and the Confederated Tribes of the Grand Ronde Reservation in Oregon work with their states, school districts, tribal colleges, and state universities in areas of teacher training, school accreditation, youth leadership programs, and parental, family, and community involvement programs.

IV. SUSTAINABILITY: THE FUTURE

The preparers of this Paper have found that the following factors contribute to successful sustainment of collaborative efforts in Indian education:

- a good communications system among the parties to the agreement;
- the "buy-in" input and involvement of constituencies / stakeholders / those affected most by agreement;
- a focus on long term benefits (such as learning and teaching), not short-term crisis management;
- a well-crafted plan for step-by-step or gradual implementation upon which trust and success can be built;
- built-in joint reporting, monitoring / enforcement, and accountability means / systems (this includes the establishment of joint boards and the use of joint contact persons, coordinators, resource persons, etc.);
- conducting joint training and technical assistance sessions on implementation of agreement;
- continual education of each parties' political leadership about the agreement;
- putting the agreement in writing and formal approval / enactment of agreement into law of tribe / state;
- jointly publicizing / making the collaborative effort available to the public;
- jointly educating and communicating to the general public about agreement;
- jointly meeting on a regular basis to review, evaluate, and revise or endorse the agreement for future use.

CONCLUSION

Tribes are increasingly exercising their sovereignty over education, including over public schools that serve tribal children. The exercise of tribal sovereignty over schools and education can improve learning and teaching for tribal students. Cooperative agreements and intergovernmental collaboration are a valid means of exercising tribal sovereignty. They do not in and of themselves compromise tribal sovereignty.

"[P]ositive political relationships between tribes and state[s] ... are important to students' self-image and success in school." *Indian Nations at Risk* at 20; see also *Affiliated Tribes of Northwest Indians and The Northwest Regional Assistance Center of the Northwest Regional Education Laboratory, Draft Report of Findings and Criteria for Design of Training and Technical Assistance, Models for Collaboration: Relationships Between Tribes and School Districts in the Northwest* at 9 (Apr. 28, 2000) ("where there was a hostile relationship ... educational services for Indian students suffer"). For Indian education to continue to improve, more – and more effective – Tribal-State Partnerships are needed. Finally, those Partnerships that already exist are unfortunately not always readily available to others by normal research means, and thus we commend the National Congress of American Indians for this opportunity to share this information.

APPENDICES

A. Cooperative Agreements / Collaborative Efforts in Indian Education

- Cooperative Agreement between the Cherokee Central School and the Swain County School District
- Rosebud Sioux Tribe Truancy Intervention Project
- Todd County School District Impact Aid Indian Policies and Procedures
- Affiliated Tribes of Northwest Indians and The Northwest Regional Assistance Center of the Northwest Regional Education Laboratory, Draft Report of Findings and Criteria for Design of Training and Technical Assistance, *Models for Collaboration: Relationships Between Tribes and School Districts in the Northwest* at 14 (Apr. 28, 2000)
- Native American Rights Fund, Indian Education Law Materials Order Form

B. Applicable laws

- The Rosebud Sioux Tribe Education Code
- The Impact Aid Laws of 1950, as amended by Pub. L. No. 95-561, 92 Stat. 2315, 20 U.S.C. § 7704(a)
- Enforcement of State laws affecting health and education, 25 U.S.C. § 231
- The Johnson O'Malley Act of 1934, 48 Stat. 596, 25 U.S.C. § 452
- The Indian Self-Determination and Education Assistance Act of 1975, as amended by Pub. L. No. 98-511, 99 Stat. 2366, as amended, 25 U.S.C. § 2010(c)
- Colorado Rev. Stat. § 22-32-122(1)
- Florida Stat. ch. §§ 285.18(1) & (2)
- 30 Maine Rev. Stat. Ann. § 6214
- Minnesota Stat. § 128B.011
- Wisconsin Stat. § 15.375(1)
- Montana Constitution art. X, sec. 1(2)
- Montana H.B. No. 528 (1999)

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COOPERATIVE AGREEMENT

THIS AGREEMENT entered into as of this 28th day of March by and between the Cherokee Central School, referred to as "SCHOOL" and the Swain County School District, presently governed by the Swain County Board of Education hereafter referred to as "BOARD";

WITNESSETH:

WHEREAS, The Cherokee Central School is physically located within the geographical boundaries of Swain County, North Carolina; and,

WHEREAS, a number of students presently attending the SCHOOL are deemed by the Bureau of Indian Affairs not to be eligible to receive BIA education funds; and,

WHEREAS, it is the desire of the SCHOOL and the BOARD, with BIA and North Carolina Department of Education approval, to enter into an agreement upon the terms and conditions set forth in this Cooperative Agreement in order to allow said students to continue to attend the SCHOOL and to provide additional financial assistance in the form of PL-874 funds (sometimes hereafter referred to as Impact Aid) and State aid which shall be used to provide educational programs, materials and personnel for said students.

NOW, THEREFORE, in furtherance of said purposes, the parties expressly agree as follows:

1. This Cooperative Agreement is authorized by 25 U. S. C. Section 13, 271 at seq. and 2001-2019; 31 U. S. C. Section 6305; 25 CFE Section 31, 32 and 39; and P. L. 99-228.

2. The parties understand and agree that any Indian or non-Indian students, including children of BIA employees, who so desire, shall continue to attend and participate in the educational program at the SCHOOL

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3. The terms, provisions and conditions of this Cooperative Agreement shall commence upon the execution of this Agreement and shall apply to the ~~1994-95~~ school year. The parties agree that references in this Agreement to budgeting, program funding and future year planning shall be subject to the availability of funds and renewal of this Agreement.

4. During the term of this Agreement, the BOARD shall provide the educational services and opportunities required by law to those students presently attending the SCHOOL and deemed by BIA not eligible to receive BIA education funds. This obligation of the BOARD shall extend to all of such students, whether they be residents of Swain or Jackson counties as the Jackson County Board of Education has released all such students to the Swain County Board of Education.

The Board does hereby elect to fulfill the above stated obligation by contracting with the SCHOOL to provide said students with the educational services and opportunities required by law, and SCHOOL does hereby agree, promise and covenant to provide such services and opportunities to said students during the term of this Agreement. The BOARD shall expend such funds as it may deem appropriate, through the SCHOOL or otherwise, for a substantial contribution to the education of the children in cash or in kind of an agreed upon value, as provided by law.

5. The School Boards for the DISTRICT and the SCHOOL shall hold a meeting each year no later than March 1st, to review, discuss and adopt a plan of operation and a Cooperative Agreement for the term of this Agreement.

6. Operation of the SCHOOL under this Agreement shall be governed by federal and state laws, regulations and rules in effect during the school year covered by this Agreement. In the event of a conflict between the terms of this Agreement and the terms of any law, regulation, or rule, the latter shall prevail and this Agreement shall be modified accordingly.

7. The BOARD agrees to include in its student count, for purpose of Impact Aid and State aid funding those students residing on the Cherokee Indian Reservation in both Swain and Jackson Counties who are deemed by the BIA not to be eligible for BIA educational funding.

8. The BOARD agrees to take such action as it may deem reasonably necessary to apply for and seek both Impact Aid and State aid funding the children attending the SCHOOL who are not eligible for BIA funding.

9. The SCHOOL shall annually provide the BOARD with a complete listing of students attending the SCHOOL who are not eligible for BIA funding in order that they may be claimed for Impact Aid purposes.

10. The BOARDS shall be responsible for and obligated to insure that any P. L. 81-874 and State aid funds received from the BOARD by the SCHOOL are spent in accordance with all applicable laws and regulations regarding the use of such funds. Such funds shall not be used or expended in such a manner as to duplicate services, materials or programs which are currently financed with BIA funds. The School Boards, for the SCHOOL and BOARD shall jointly approve a financial plan which will designate the use of any Impact Aid and State aid funds at the SCHOOL so as to provide appropriate educational services to the students. Such financial plan shall be available to concerned state or federal agencies.

11. The BOARD shall direct and supervise the programs and personnel related to providing educational services to students not eligible for BIA funding.

12. The School Boards for the SCHOOL and BOARD shall review and approve the curriculum in the SCHOOL to insure that all appropriate state and federal standards and certification are met. However, this joint responsibility shall only apply to programs funded with Impact Aid or state aid.

13. The School Boards for the SCHOOL and the BOARD shall meet jointly on a regular basis to resolve any matters affecting the combined school programs, students, personnel or other issues which may arise.

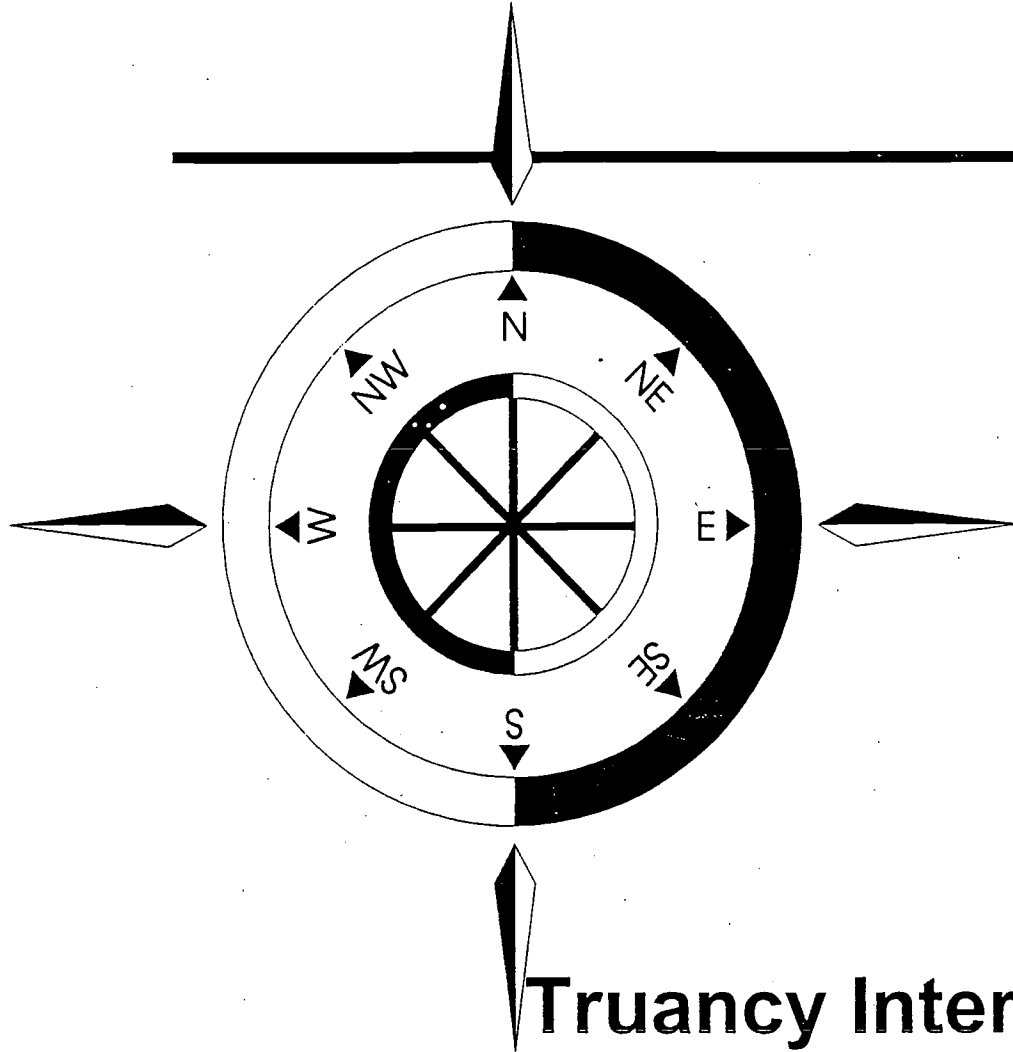
14. Official representatives of the BOARD and the North Carolina Department of Education shall be permitted to visit the SCHOOL at any reasonable time for observation, consultation and evaluation of the operation of the SCHOOL.

15. No distinction shall be made between Indian or non-Indian in providing the quality of instruction, transportation, school lunches or any other matters pertaining to life and work in the academic setting of the SCHOOL.

16. The Cherokee Central School shall be responsible for the operation and maintenance of all facilities and for the supervision of all personnel involved in such facilities.

17. Each party agrees that it will be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other party and the results thereof. Each party therefore agrees that it will assume all risk and liability to itself, its agents or employees, for any injury to persons or property resulting in any manner from the conduct of its own operation, and the operation of its agents or employees, under this agreement, and for any loss, cost, damage, or expense resulting at any time from any and all causes due to any act or acts, negligence, or the failure to exercise proper precautions, of or by itself or its own agents or its employees, while occupying or visiting the premises under and pursuant to the Agreement. The Government's liability shall be governed by the provisions of the Federal Tort Claims Act (28 U. S. C. 2671-80, 1976).

18. This agreement may be modified by mutual written consent of the parties.

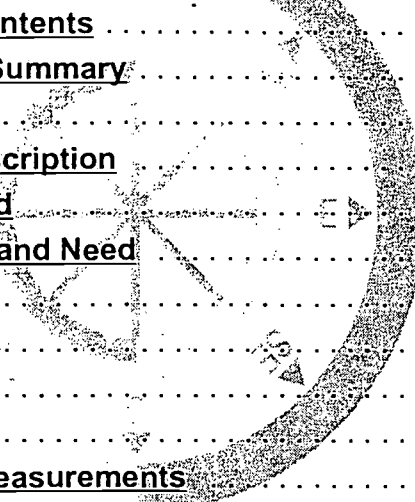


Truancy Intervention Project - FY 2000

Sherry Dawn Red Owl, Director
Tribal Education Department
Rosebud Sioux Tribe

April 5, 1999

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Executive Summary

The Truancy Intervention Project is an effort of the Tribal Education Department to increase attendance in Todd County Schools and St. Francis Indian School. The project has been redesigned to increase the effectiveness. The proposed project will utilize a case management process for reducing truancy. The department has worked with truancy issues for the past five years. In examining current absentee lists and comparing those with previous years the Tribal Education Department has identified specific families which have a history of truant children. The Tribal Education Department is proposing working with a minimum of 50 families to increase the attendance of their children. Truancy Intervention Officers will work with the family to develop an Individual Family Service Plan. This plan will identify the needs of the family that will increase attendance for their children. The Truancy Intervention Officers will work with the families to acquire the services they need to keep their children in school on a daily basis. It is believed that this process will help these families keep their children in school and will allow the Tribal Education Department to better serve the families, the schools and the tribe. The main objective of the Truancy Intervention Project is to increase attendance in school.

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Abstract

The Truancy Intervention Project will work to increase daily attendance in Todd County Schools and St. Francis Indian School. The schools have determined that a crisis exists in their schools in relation to excessive absenteeism. The Truancy Intervention Project will utilize a case management process to assist 50 families in getting their children to school on a regular basis. Truancy Intervention Officers will each be assigned 25 families at the beginning of the school year. They will develop an Individual Family Service Plan, which will identify services the family needs in order to get their children to school on a regular basis. Rewards for families that attain a 95% attendance rate for their children will be identified with each family as part of the family service plan. The Truancy Intervention Project will work with the families to assist them in attaining the services they need to help their children be in school each day.

Project Description

The Truancy Intervention Project is a service provided to schools by the Rosebud Sioux Tribe's Tribal Education Department to reduce the drop-out rate in schools through increase attendance. The proposed redesign of the project will utilize a case management process to reduce truancy in selected families that have a history of students with poor attendance. The project will assign 25 families to each truancy intervention officer for the 1999-2000 school year. The Truancy Intervention Officers will be responsible for contacting the families and developing a Family Service Plan for each family. They will work with the family to attain the services they need to keep their children in school on a daily basis. Rewards will be given to families whose children achieve a 95% attendance rate each quarter of the school year.

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Background

This project has been operative for five years in the Tribal Education Department. The Truancy Intervention Project was developed because the schools identified a dire need for assistance in getting children to school on a daily basis. There are over 10% of the students absent from school everyday. (Around 300 students reservation-wide each day) The previous design required schools to submit names of students who were absent from school at five days and at ten days and beyond. The Tribal Education Department sent letters to families whose children had missed five days of school and made home visits to families whose children had missed ten days or more of school to determine why children were absent. If the Truancy Intervention Officers could not convince parents that their children needed to be in school each day, they provided intervention services, if the intervention services didn't work and students missed 20 or more days of school, criminal charges were filed in Tribal Court. This process has not worked. The schools continue to have too many students not in school each day. Few parents are actually prosecuted by Tribal Court and sadly, students continue to drop-out of school in large numbers.

Through critical examination of the project, the Tribal Education Department identified several commonalities among truant children:

- 1) Certain families have a history of truant children.
- 2) Children who are absent 10 days or more are failing.
- 3) Students with a history of failing drop out of school.
- 4) There are few rewards for students who are in school daily.
- 5) Truant students often vandalize and steal in their community
- 6) Truant students are more often behavior problems.
- 7) Truant students often exhibit violent behavior.
- 8) Truant students often use drugs and alcohol, or come from families who abuse substances.
- 9) Many truant students are teenage parents.
- 10) Some truant students are involved in a relationship in which the partner does not allow them to attend school regularly.

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Motivation and Need

The Tribal Education Department needs to carry out this project in order to assist families in creating a positive image of education. Students have a need for a good quality education in order to be productive tribal citizens when they grow up. Education will provide the students with a sense of belonging, and will enhance their self-esteem. Successful completion of high school will allow students to expand their world-view. Students will be able to develop qualities of life-long learning.

The Truancy Intervention Project is direly needed. Schools have identified their number one need is to reduce the truancy rate in their schools.

The Tribal Court has reported that the majority of students they see in Juvenile Court are not enrolled in school. One parent reported attending a Juvenile Court arraignment and of the six juveniles being arraigned only one was in school. Of the five students who were not in school, further investigation by the Truancy Intervention Project found that all five had been enrolled at the beginning of the school year, however, they had been disenrolled due to excessive absenteeism. These five students had fallen through the cracks in the system because the Truancy Intervention Officers just had too many absentees to check out. On one day, the Tribal Education Department mailed out 480 letters to parents whose students had been absent five or more day. Truancy Intervention Officers had referrals for over 200 students who were being disenrolled for excessive absenteeism. The problem is too big for the Truancy Intervention Officers to be effective in the current design. The Tribal Education Department believes that by targeting a smaller group of families they can increase attendance for those families and teach the families the value of sending their children to school daily. This will have a long lasting impact on the selected families and may break the cycle of truancy in their families.

First need

- Instill value of education in families with history of truant students.

Example:

One family has five children in school. All five of the children have been excessively absent from school for the past five years. In working with the family, the Tribal Education Department found that no one in the family had graduated from high school, no one was employed and the family had a long history of alcoholism. The parents saw no value in sending their children to school.

Second need

- Create a safe, supportive environment for families to meet the needs of their children. Children of poverty often do not have their physical needs met. In order for children to do well in school they need a safe, secure environment.

Example:

A family with four children were reported to the Tribal Education Department for not sending their children to school. The last time the children had been in school they were sent home because they had head lice. When the Truancy Intervention Officer checked on the children he found that they were living in a "transitional" house, which had no windows, no floor, no water and no electricity. The mother couldn't improve the conditions her children were living in because she was not an enrolled member of the tribe and had no means of making a living. She had been cut off TANF because she had no transportation to fulfill the work requirements of TANF.

Benefits

- Fifty families will learn to value education.

The families that the Truancy Intervention Project will work with will learn that education is to be valued through their interaction with the schools. They will develop a sense of pride in the accomplishments of their children when they see their children's grades improve. The families will learn how to organize their homes to promote education and develop responsibility in their children.

- Families will learn to access resources and utilize them wisely, so their children will be safe and secure with their physical needs met.

The family service plans will include working with parents to access resources and will teach parents to utilize the resources to provide for their children. Some of these plans may include developing employment skills and accessing education for the parents.

- Students will gain self-esteem and pride in their accomplishments.

Increased attendance will help students get better grades. When they quit failing they will feel better about themselves. The Truancy Intervention Project will assist students in becoming successful through tutoring and individual attention.

- Schools will experience increased attendance rates.

As families become more responsible for getting their children to school, schools will experience increased attendance rates.

Support

The local schools support the Truancy Intervention Project's new design because they have experienced high rates of truancy which result in high drop-out rates, transfers and suspensions. They also have experienced a decrease in funding due to the lower rate of average daily attendance.

The Tribal Court supports the Truancy Intervention Project's new design because it will create documentation of attendance that will be able to be used in court should a family not attain their attendance goals as outlined in the Individual Family Service Plans.

Objectives

Increase average daily attendance in Todd County Schools and St. Francis Indian School.

Case Manage the Family Service Plans to assist parents in reaching their objectives.

Create permanent behavioral changes in families that will enhance their ability to manage their families.

Success Measurements

- Quarterly attendance reports from the schools for the students of families on Family Service Plans.

Quarterly attendance reports will be used to ascertain whether the students have met the goal of 95% attendance.

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- Quarterly grade reports.

Quarterly grade reports will be used to determine whether increased attendance has improved the students grades.

- Quarterly reports on progress of Family Service Plans.

Family Service Plans will be reviewed quarterly to determine the achievement of family goals and to adjust the Family Service Plan if needed.

Prerequisites

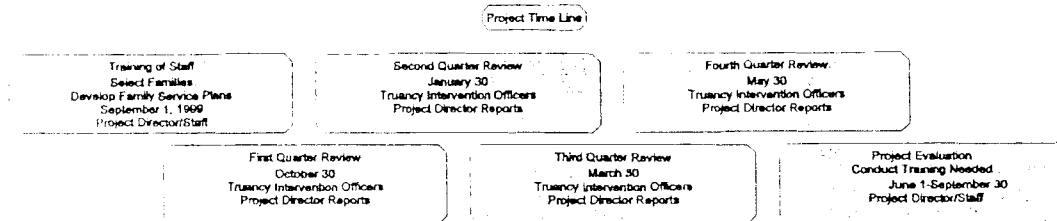
- Select the families that will be assigned to case management.

Attendance records from the past three years will be reviewed. Families with two or more children with absences in excess of twenty days a year will be identified and contacted for inclusion in the project.

- Staff Training

Truancy Intervention Officers will be trained to do case management. They will be trained in group processes, conflict resolution, and report writing.

Schedule



Organization

<u>Project Personnel</u>			
<u>Person</u>	<u>Responsibility</u>	<u>Supervisor</u>	<u>Phone Number</u>
<u>William Long</u>	<u>Truancy Intervention Officer</u>	<u>Sherry Red Owl</u>	<u>747-2833</u>
<u>David Brushbreaker</u>	<u>Truancy Intervention Officer</u>	<u>Sherry Red Owl</u>	<u>747-2833</u>
<u>Vacant</u>	<u>Truancy Intervention Officer</u>	<u>Sherry Red Owl</u>	<u>747-2833</u>
<u>Sherry Red Owl</u>	<u>Project Director</u>	<u>Tribal President</u>	<u>747-2833</u>

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Necessary Equipment

<u>Item</u>	<u>Price</u>	<u>Model</u>	<u>Specifications</u>
Computer (1)	\$2,500 each	IBM	

Budget

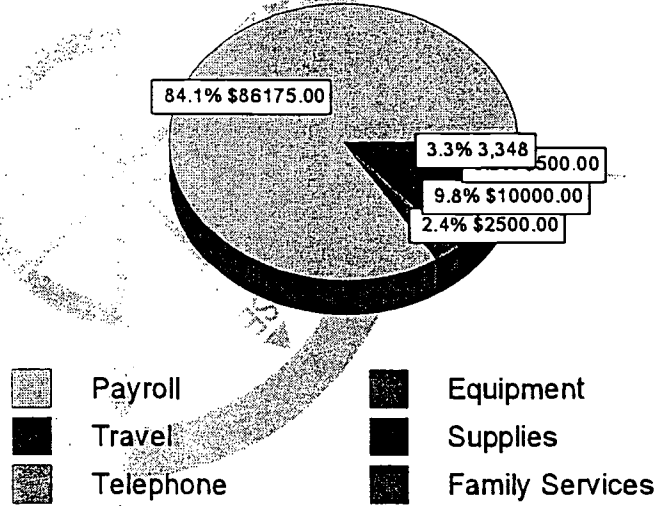
Personnel

<u>Director</u>	\$ 4,500.00
<u>Truancy Intervention Officers (3)</u>	\$ 70,762.00
<u>Fringe (14.5%)</u>	\$ 10,913.00
<u>Travel/Training</u>	\$ 10,000.00
<u>Equipment</u>	\$ 2,500.00
<u>Supplies</u>	\$ 500.00
<u>Telephone</u>	\$ 500.00
<u>Family Services</u>	\$ 3,348.00

Total Budget \$103,023.00

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Project Budget



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Budget Justification

Personnel

The project will require three truancy intervention officers to carry out the day to day operation of the project.

The director of the department will receive a supplement for supervision duties and reporting requirements of the grant.

Fringe benefits are calculated at the current tribal rate of 14.5 %.

Travel/Training

Travel will be reimbursed at the current federal rates. Travel is necessary for the Truancy Intervention Officers and the Director to work with the families and for training purposes.

Equipment

One new computer is necessary for the additional person to be hired in the program. Computers are used to gather data and to record the case management of the families. Data will be gathered on each family in order to provide proper management of cases.

Supplies

Supplies will include consumable office supplies, postage, and other materials as may be required for reporting.

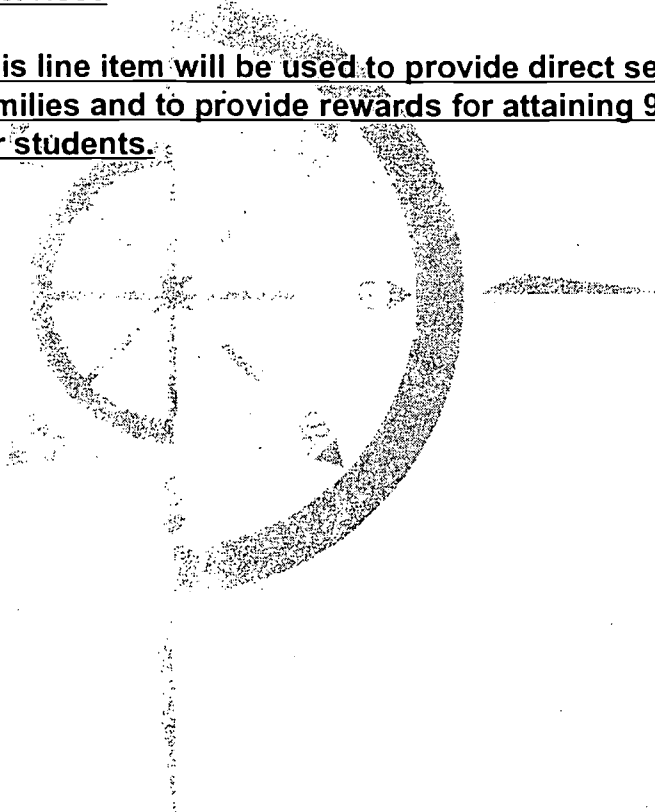
Telephone

Telephone service is a basic office need for daily communication with clients.

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Family Services

This line item will be used to provide direct services to families and to provide rewards for attaining 95% attendance for students.



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TODD COUNTY SCHOOL DISTRICT #66-1
POLICIES AND PROCEDURES
P.L. 81-874

In order to fulfill the requirements of federal Impact Aid Public Law 81-874, and the Rosebud Sioux Tribe Education Code, Ordinance No. 91-04, the Board of Education of the Todd County School District has adopted the following policy. This policy relates to the requirements in federal Public Law 81-874 and Tribal Ordinance No. 91-04 to ensure tribal and parental involvement in the education of those students of the Todd County School District who live on Indian lands and are claimed for payment under Public Law 81-874. The policy and procedures also relate to the requirements in those laws to ensure a cooperative working relationship between the Todd County School District and the Rosebud Sioux Tribe.

This policy will give parents and the Tribe the opportunity to work with the District to review Indian student participation in district educational programs and to review how the programs meet Indian student needs. This policy will give parents and the Tribe the opportunity to comment upon how they could assist their children in benefiting from the District's programs and upon the effectiveness of parental participation in the District. This policy will give parents and the Tribe the opportunity to work with the District to plan and develop educational programs that will improve student performance in the District.

This policy shall become effective immediately.

1. Indian children claimed by the school district in its count must participate on an equal basis in the school program with all other children educated by the school district. This is to prevent disparity within a school or in the various schools of the district. The Todd County superintendent, on an annual basis, shall work with the Tribal Education Director to gather data and prepare a report which reflects the participation of Indian children on an equal basis with all children of the Todd County Schools. This report will include data which reflects the performance and needs of Indian and non-Indian children in the school district. This report will be mailed* to the members of the Rosebud Sioux Tribal Council, to the Rosebud Sioux Tribal Education Department, and a synopsis to each household in the school district.

Tribal officials, the Tribal Education Department, and parents of Indian children shall be provided an opportunity to comment on the participation of Indian children on an equal basis in school programs. They shall also be provided an opportunity to comment on the performance and needs of Indian children in the school district. At least two school board meetings annually will focus on this issue. One meeting will be held in the fall and one in the spring. These meetings will be held no later than the 2nd Monday in June. Notice of these meeting will be mailed* to tribal officials, the Tribal Education Department, and to each household in the school district.

*NOTE: The Todd County School District has a monthly publication, TODD COUNTY SCHOOL DISTRICT NEWS. This publication is mailed to each household in the school district. It is our intention to publish detailed summaries of the Public Law 81-874 application, program plans, and evaluations, when they are available, in the TODD COUNTY SCHOOL DISTRICT NEWS noting that a copy of the documents will be sent to any parent upon his/her request. The district shall mail copies of the required information to individual tribal council members.

Educational programs will be modified as necessary to ensure that Indian children participate on an equal basis with all other children in the Todd County Schools. They will also be modified as necessary to improve the performance and address the needs of ALL children in the Todd County Schools. A standing committee will be appointed by the superintendent and charged with recommending to the Board of Education the necessary modifications. This standing committee shall include at a minimum the superintendent, three tribal members/parents, and the Tribal Education Director. In considering modifications, the standing committee shall consider the data gathered on student participation, performance, and needs. This standing committee will prepare a report with recommendations for change and will present this report to the Board of Education for review and action.

2. At least one school board meeting (in July) will focus on reviewing and evaluating the current budget. At least one school board meeting (in May) will focus on planning for the next year's budget, and this planning meeting will be held before the funding application has

been submitted. The Board of Education shall invite the Tribal Education Director to these meetings and shall allow the Tribal Education Director to make recommendations regarding the budget to the school board on behalf of the Tribe.

3. The Todd County School District shall disseminate by mail* to tribal officials, the Tribal Education Department, and parents of Indian children the following:
 - A. The Public Law 81-874 application.
 - B. All evaluations of educational programs.
 - C. Any program plans to initiate or eliminate programs in the schools.
 - D. Summaries of a Board of Education Impact Aid planning schedule, including the location, dates, and times of each meeting that the school district will conduct to gain recommendations and views from tribal officials, the Tribal Education Department, and parents, along with agendas for Board of Education meetings will be published in the official newspaper. The planning schedule and agendas will be mailed to tribal council members and the Tribal Education Department.
 - E. A copy of the District's annual budget, as published in the official newspaper, and a copy of the District's annual 81-874 funding award, will be mailed to each tribal council member and the Tribal Education Department prior to the annual budget hearing. From these copies, the percentage of the District's total funding attributable to 874 funds will be available. At the annual budget hearing, the Todd County superintendent shall make a presentation to the school board and the public with an analysis of the budget and program planning. An opportunity for input from tribal officials and parents of Indian children will be afforded during the course of this budget hearing.
4. During each regular Board of Education meeting, held on the 2nd and 4th Mondays of the month, time is set aside for patrons to address the Board of Education regarding the educational program of the Todd County Schools. Every effort will be made to ensure that the parents of Indian children, tribal officials, and the Tribal

Education Department, will have adequate time and opportunity to express their views in reference to items 3. A, B, C, D, and E above.

5. No later than the 4th Monday in December of each year, the Todd County Board of Education shall schedule, as a part of a regular Board of Education meeting, time on the agenda for the express purpose of permitting tribal officials, the Tribal Education Department, and parents of Indian children the opportunity to:
 - A. Comment on the participation of Indian children on an equal basis in the Todd County Schools with all other children, and on the performance and needs of Indian children in the Todd County Schools.
 - B. Comment on any evaluation of education programs offered by the Todd County School District.
 - C. Provide meaningful input regarding the implementation or elimination of educational programs.
 - D. Make recommendations regarding the performance and needs of Indian children.
6. Tribal officials, the Tribal Education Department, and parents of Indian children are to be actively consulted and involved regularly in the planning and development of education programs assisted with funds provided under Public Law 81-874. This consultation and involvement shall be accomplished through analysis and recommendation from the Tribal Education Department, upon direction of the Rosebud Sioux Tribe, the educational program modification standing committee, parent advisory committees, ad hoc committees, task forces, and discussions during regular Board of Education meetings. This consultation and involvement shall also be accomplished through providing the Tribal Education Department with a) data on student participation, performance, and needs; b) the application for and budget breakdown of Public Law 81-874 funding; and c) the plans for modifying education programs. This consultation and involvement shall further be accomplished by receiving and considering the recommendations of the Rosebud Sioux Tribal Council through its Tribal Education Department regarding a) the participation, performance, and needs of Indian students in the District; b) the application, budget, and expenditures of Public Law

- 81-874 funding; and c) the education programs of the District.
7. Through the utilization of the procedures outlined in 2, 3, 4, 5, and 6 above tribal officials, the Tribal Education Department, and parents of Indian children will be afforded the opportunity to provide input and make recommendations concerning:
 - A. The participation, performance, and needs of their children.
 - B. The ways by which they can assist their children in realizing the benefits to be derived from the educational programs.
 8. Through the utilization of the procedures outlined in 2, 3, 4, 5, and 6 above tribal officials, the Tribal Education Department, and parents of Indian children will be provided with the opportunity to present their overall views on the education program in the Todd County School District. This opportunity to present views shall include:
 - A. The operation of the Todd County School District's education program.
 - B. The degree of and effectiveness of input from the Indian community in the Todd County School District. An impact aid parent committee will assess this input and recommend any changes which are felt to be necessary to the Board of Education. The board shall receive the recommendations of the Tribal Education Department regarding the degree and effectiveness of the input from the Indian community. The board will respond to these recommendations at an open board meeting within 90 days.
 9. The Todd County Board of Education will on an annual basis, review these policies and procedures to ensure that:
 - A. These policies and procedures meet the minimum standards of Public Law 81-874 and Tribal Ordinance No. 91-04.
 - B. These policies and procedures continue to provide for an adequate level of Indian participation and for improvements in Indian student performance and

opportunities to meet the needs of Indian students.

- C. If it is found that these policies and procedures do not meet the requirements, the Todd County School District shall amend these policies and procedures to conform with the requirements of Public Law 81-874 and with Tribal Ordinance No. 91-04.
 - D. Copies of amended policies and procedures shall be sent to the secretary, tribal officials, and the Tribal Education Department.
10. Any tribe, its designee, or parent, that has students attending the Todd County Schools may file a written complaint with the superintendent of schools for action by the Board of Education relating to violations of Public Law 81-874.

Parents of students attending the Todd County Schools may submit their grievances regarding impact aid funding and programs in writing to the Tribal Education Department.

Any tribe, or its designee, that has students attending the Todd County Schools may file a written complaint with the assistant secretary regarding any action of the Todd County School District which is in violation of the regulations set forth in Public Law 81-874.

Action of written complaints and hearings shall be adhered to as set forth in Public Law 81-874.

These policies and procedures were originally developed by a Task Force. The membership of the task force included:

T. Larry Thacker, Ed.D., Superintendent of Todd County School District

John Spotted Tail, parent of Indian student

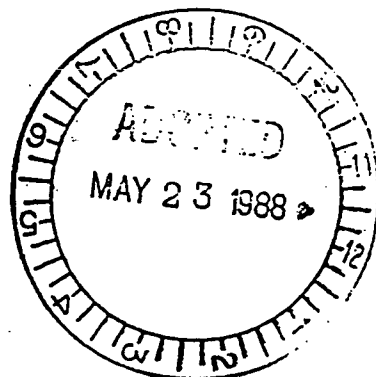
Arbana Scott, parent of Indian student and member of two parent advisory committees

Rodney Bordeaux, member of the Rosebud Sioux Tribal Council and Chairman of the Tribal Education Committee

Cleveland Burnette, parent of Indian student and member of the Todd County School District Board of Education

Revised: 1-22-90

Revised: 6-22-92



COPY

MODELS FOR COLLABORATION
Relationships Between Tribes and School Districts in the Northwest

**A Report of Findings and Criteria for Design of
Training and Technical Assistance**
April 28, 2000

DRAFT

Original report by Tom Hampson, Tom Hampson Associates
Updates provided by Maria Tenorio &
Laina Green, ATNI

Affiliated Tribes of Northwest Indians
and
The Northwest Regional Assistance Center of the
Northwest Regional Educational Laboratory

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Overview

The Affiliated Tribes of Northwest Indians (ATNI) and the Northwest Regional Assistance Center (NWRAC) of the Northwest Regional Education Laboratories are engaged in an effort to improve the quality of educational services to Indian students in five western states: Oregon, Washington, Idaho, Montana, and Wyoming. The goals of this effort include the development of training and technical assistance programs that will facilitate collaboration among the institutions that have the responsibility of providing educational services to Indian people. The institutions that have become the focus of this effort are the tribal governments, specifically the tribal education departments, and local education agencies (LEA's), specifically local school districts and BIA schools. This study is a small part of that comprehensive effort.

The study began with a target group of 50 tribes. In 1996, surveys were completed with 30 tribes. In 1998, an additional 6 tribes were surveyed. Over the past 6 months, the remaining 14 tribes have been contacted. 13 have responded. To date 49 of the original 50 tribes in the target group have completed surveys. A complete list of all respondent tribes is attached in the appendix.

This draft report serves as a compilation and update of all previous work on this project.

SURVEY: FIRST STEP IN TRAINING DESIGN AND CONSTITUENCY BUILDING

The first step in the design of appropriate training and technical assistance services is a survey of tribal education departments to test the assumptions made by NWRAC and ATNI staff and committee personnel. The survey is designed to assess the quality of the relationships between tribal education programs and local education agencies. This project is also designed to solicit input from tribal officials in order to create the basic training design criteria. The objective of the training is to provide tools for each participant to use in their own local settings to create an environment of collaboration and cooperative program development among the parties.

Additional information needed to assess the nature of each reservation setting includes:

- Issues that are regularly discussed by tribal and LEA personnel
- The existence of written memorandums of agreement (MOA's) and education plans (could be used as models for other tribes and LEA's)
- The number of school districts that serve Indian students on the subject reservation.

In addition to the information gathered from the surveys, the identification of model sites and programs, or "Best Practices", can be used as examples of good relationships and can be reproduced in other tribes. The Best Practices function as models from which people can learn and are essential to the training and technical assistance design. The Best Practice models also provide important data for the training design.

Lastly, the survey is intended to begin opening channels of communication with tribal education representatives as well as developing a constituency for the training program.

The next stage after the survey process is the design of training and technical assistance packages that incorporate the findings of this study and is responsive to the needs identified in the survey by the tribal representatives. A similar assessment is recommended for LEA personnel.

Part I PROBLEM STATEMENTS

The research conducted under this contract was directed towards verifying the following statements of the research problem.

- If education services to Indian students are to be improved, it will come through cooperation and collaboration between all parties responsible for the education of students. This includes students, parents, tribal governments, school staff, school boards, and community members.
- Much time and money has been spent by tribes and school districts to address the needs of Indian children. The results of these efforts should yield "best practice" models from which principles can be extracted and replicated into other situations. These best practice models can be used in designing and presenting meaningful training and technical assistance to all tribal education department and LEA staff.
- There are many situations in which relationships between tribal education departments, their Indian constituents, and the local education agencies are poor, i.e. adversarial or otherwise dysfunctional. Analysis of these situations can provide information on "what not to do" and can also be identified as "hot spots" for which training and technical assistance could be provided by third parties.
- The existence of written memorandums of agreement between tribes and LEA's indicate a high level of cooperation and collaboration between these entities. Tribes with comprehensive educational plans are more likely to have a proactive approach to relationship building with the LEA's serving their reservations.
- There is a significant gap in the knowledge (on the part of both tribes and LEA's) of available federal, state, regional, and local programs that could be made available to serve Indian students.
- There is a desire on the part of tribal education officials to improve their relationships with the LEA's, and there are many obstacles to achieving increased cooperation and collaboration that are a function of the characteristics of both the reservation communities and the LEA's.
- The provision of training and technical assistance by a third party such as the Northwest Regional Assistance Center may be perceived by the tribes as an opportunity for increasing the cooperation and collaboration between tribes and LEA's.

Part II

SURVEY DESIGN AND METHODOLOGY

The survey was designed in the format of an interview to be completed by telephone in less than 30 minutes. The instrument was intended to assess the local situation, determine the need for training, and receive input on the kind of training that would be effective in the locale. Since the survey is to be used for training design, a detailed statistical approach was not needed, nor desirable. The survey was intended to be short and conversational. Responses were very positive and the respondents, with few exceptions, had no hesitancy to discuss the local situation and provide detailed information.

SURVEY RESPONSE AND LIMITATIONS

Of the 50 Federally recognized tribes targeted within the survey area, 98% of the tribes were interviewed by phone or provided written responses. The quality of the responses (attitude by respondents towards the survey objectives and the quality of the data collected) is considered more than adequate for the purpose of this assessment. There is agreement from all respondents on the need for training. The respondents identified a wide variety of issues and situations that they felt training and technical assistance could positively impact.

In some situations, it was difficult to identify the appropriate person to respond to the survey. As indicated below in a discussion of the nature of tribal governments, tribes are decentralized and duties for a school district liaison may be shared amongst a number of staff members from a number of programs (education, employment, training etc.).

Over the next 5 months, additional data will be collected. It is expected that the end response rate will reach 100%. Several more Best Practice models will also be included in the final report to be completed by September 30, 2000. Thus, the survey is considered a step in an on-going developmental process.

METHODOLOGY

A simple content analysis of the notes of the conversation and arithmetic calculations on the "yes/ no" responses were done to summarize results. Responses were quite varied on such questions as "In what situations do you communicate with school district personnel?" and "Over what issues?" These responses were categorized into more general subject areas for purposes of distinguishing trends and developing recommendations, but were kept separate in tabulation sheets for future reference. Comments that needed further clarification, or represented Best Practice models, were highlighted on the original data sheets for future reference. Contact sheets provided by the laboratory were updated with the name and phone number of the respondent during the first round of surveys in 1996, and were delivered in raw data form to the laboratory for update of their files. Contact sheets were not made for the 1998 round of surveys, but a list of respondents for the 2000 round is provided in the appendices of this report along with a list of possible Best Practice model sites.

Part III ANALYSIS OF DATA

The matrix below is designed to provide an overview of the responses received from the 49 tribes. They are organized by the year the responses were collected. The responses from 1998 and 2000 have been combined. The analysis of the responses was done in the order as they appeared on the questionnaire.

1. In what situations, are there regular meetings or, as needed, does your tribal education department communicate with representatives of the local school district? Situations in which regular communication occurred:			
	1996	1998/2000	Total
JOM	65%	1%	43%
Title V	40%	0%	24%
Crisis situations/as needed	40%	32%	37%
Title IX	17%	0%	10%
Other parent advisory committees	10%	11%	10%
Higher Education programs	30%	0%	18%
Regular visits w/school administrators / boards & tribal councils	20%	79%	43%
Grant preparation	20%	0%	12%

Comments: General consensus among respondents that communication needs to occur on a more regular basis on all issues.

2. What issues have arisen?			
	1996	1998/2000	Total
Student performance (attendance, drop outs, discipline, juvenile court follow-up, anger management, violence, etc.)	80%	74%	77%
JOM	26%	1%	18%
Classroom issues	26%	0%	16%
Curriculum and classroom issues	26%	16%	22%
Budget	20%	0%	12%
Planning issues, policy review, Federal Impact Aid & other funding issues	20%	47%	30%
Civil rights/affirmative action issues including racial discrimination/racism	23%	32%	26%
Teachers don't understand Indian culture, hiring practices	20%	11%	16%

3. With which representatives do you most frequently communicate? (teachers, counselors, school administrators, educational service district personnel, school board members)			
	1996	1998/2000	Total
Teachers	30%	58%	37%
Counselors	40%	42%	41%
Administrators	76%	63%	71%
School board	10%	32%	18%

COMMENTS: Data suggests natural result of administrators talking to administrators.

4. How would you characterize your general relationship with the local school district?			
	1996	1998/2000	Total
Good to excellent	47%	36%	41%
Poor to fair	47%	32%	43%
Varying relationships	6%	32%	16%

COMMENTS: Two of the respondent tribes had both poor/fair AND good/excellent relationships depending on the school district. These situations provide excellent opportunities for comparative analysis in future research.

5. Do you have a memorandum of agreement?			
	1996	1998/2000	Total
Yes, we have a memorandum of agreement	50%	21%	39%

6. Are there any types of formal agreements between the tribe and local school districts?			
	1996	1998/2000	Total
JOM programs	100%	100%	100%
Formal JOM agreements	10%	1%	8%

COMMENTS: Other Agreements included joint resolutions for war on drugs, supporting school budgets, special programs, Unity Project, Impact Aid. The agreements were varied and no consistent pattern of types of agreements merged.

7. In what ways would you like to improve your current working relationship with local school districts?			
	1996	1998/2000	Total
Increased understanding by non-Indian teachers/administrators of Indian culture, history, tribal government, and need for curriculum that reflects it	41%	21%	33%
Better coordination of programs to serve Indian children is needed	30%	32%	30%
More understanding and communication on a wide range of social issues (teen pregnancy, alcohol and drug abuse, social services) effecting Indian communities	20%	1%	14%
More proactive leadership to anticipate and solve problems before they become crises	17%	1%	14%
More community even participation by members of both communities	10%	16%	12%
Hiring of Indian staff	10%	16%	12%
More understanding of school district policies by tribes and parents	7%	0%	4%

COMMENTS: The wide variety of themes indicate that each training situation will have a different focus as far as issues that need attention

8. What are the obstacles to accomplishing this?			
	1996	1998/2000	Total
Lack of understanding and apathy by non-Indian staff of Indian culture/issues	30%	47%	38%
Limited positive experience with educational institutions on the part of tribal leadership and parents	20%	0%	12%
Lack of follow-through	14%	1%	10%
Tribal politics	7%	0%	4%
Lack of parent involvement	14%	0%	8%
Fragmented tribal programs	7%	16%	10%

COMMENTS: Other responses included: religious orientation of school board, lack of interagency agreements, lack of continuity due to change in leadership at political and administrative level in both tribes and LEA's, need for tribal representation on school board, lack of adequate tribal educational staff, change is difficult and slow.

9. If training were to be provided by an outside organization sponsored by AIN for school officials as well as tribal education officials or further improving the working relationships between the two, what kinds of things should be included?			
	1996	1998/2000	Total
Cultural sensitivity	31%	53%	39%
Education summits designed to increase coordination	17%	11%	14%
Indian program guidelines	24%	11%	18%
Parent training	17%	11%	14%
Nature of modern tribes	10%	16%	12%
Conflict resolution and facilitation skills	7%	11%	8%
Curriculum development	7%	1%	6%

COMMENTS: When aggregated, the most requested kinds of training were cultural sensitivity (to needs and perspectives of Indian children, nature of tribal governments), information about Federal program requirements, and ways to increase positive communication between tribes and school personnel.

10. What school districts do your students attend?			
	1996	1998/2000	Total
1 school district	18%	42%	27%
2 - 3 school districts	35%	26%	32%
4 - 6 school districts	29%	11%	22%
9+ school districts	18%	16%	16%

11. Is there any ONE issue you would like to have included in this survey?
 COMMENTS: No significant responses to this question. Two respondents requested information on models for school districts meeting with tribal councils, and existence of statewide Indian education resources.

12. Is there an education plan?			
	1996	1998/2000	Total
Have or in process	42%	37%	40%

13. Do you have e-mail?			
	1996	1998/2000	Total
Yes	28%	63%	41%

Part IV

CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations of this survey suggest that the relationships between tribal governments and local education agencies are very complex. There are many examples of positive and negative working relationships. Some of the best and worst exist within the same reservation service area! There are many dynamics between cultures at work in and near modern Indian reservations. There is as much potential for cooperation and community building as there is for misunderstanding and distrust.

As the tribal governments and local education agencies endeavor to empower their children, the data suggests that an innovative approach is needed. The training and technical assistance must provide tools for collaboration that tribal and school district personnel, parents, community members, and elected officials can adapt to their own unique situations. To be effective, the training should encourage improvement of program coordination, provide an information exchange about the nature of tribes, Indian culture, federal program resources, and school district culture, foster community and trust-building between Indian and non-Indian participants, and, perhaps most importantly, training that develops planning and problem solving skills for all participants.

REVIEW OF PROBLEM STATEMENTS

The research conducted under this contract found the following in response to the statements of the research problem.

- **If education services to Indian students are to be improved, it will come as a function of cooperation and collaboration between all parties responsible for the education of students. This includes students, parents, tribal governments, school staff, and school boards.** The survey found a high degree of agreement among respondents as to the importance of the relationships between the tribes and the school districts. Where there was a hostile relationship, the perception by the respondents was that educational services for Indian students suffer in comparison to situations in which the relationship was positive. The study found that most communication occurs between tribal staff and school administration. The most critical relationship from an educator's point of view--that of parent to teacher to student--was considered by most respondents to be a problem area and one the respondents felt needed a great deal of attention.
- **Much time and money has been spent by tribes and school districts to address the needs of Indian children. The results of these efforts should yield Best Practice models from which principles can be extracted and replicated. These best practice models can be used in designing and presenting meaningful training and technical assistance to all tribal education departments and LEA staff.** A number of Best Practice sites were identified that showed where there was a positive relationship with the LEA and the local community there was a dramatic increase in the number of programs and opportunities available for Indian students. Survey responses also indicate that over the last few years many more tribes have developed working collaborations with local school districts.

To date several tribes have been identified as having Best Practice model programs. Five of those tribes stories were documented in the 1998 "Models for Collaboration Report" produced as an update to the 1996 survey. A condensed version of that report is included in the appendices of this report. The four remaining tribes were identified in this round of surveys. Those Best Practice models are included in Part V of this report. ATNI will continue to search for best practice examples for use in the design of training.

A number of charter schools are being developed in the region including Warm Springs and Umatilla in Oregon, and Kootenai in Idaho. Tribal schools that offer alternative on-reservation education include Quileute and Blackfeet.

- **There are many situations in which relationships between tribal education departments, their Indian constituents, and the local education agencies are poor, i.e. adversarial or otherwise dysfunctional. Analysis of these situations**

can provide information on "what not to do" and can also be identified as "hot spots" for which training and technical assistance could be provided by third parties. See discussion above. Those that considered their relationships to be "poor to fair" included some of the same tribes who listed their relationships as "good to excellent". This is because relationships vary from community to community and from district to district within reservations served by more than one jurisdiction. In the majority of the most hostile relationships, there was a perception that the problems stemmed from racial discrimination at worst, or lack of understanding of Indian culture at best. In two situations in the 1996 survey, official legal or administrative actions (civil rights complaints) have been initiated by the tribe or parent groups. These situations may invite consideration by NWRAC to offer intervention services as part of the training and technical assistance.

- **The existence of written memorandums of agreement between tribes and LEA's indicate a high of cooperation and collaboration between these entities. Tribes with comprehensive educational plans are more likely to have a proactive approach to relationship building with the LEA's serving their reservations.** 39% of the tribes surveyed have a formal MOA. The survey was designed only to determine if there were formal agreements. It was not designed to determine if there was a correlation between the existence of an agreement and enhanced relationships. However, in a few cases where there was a well-established agreement and plan, the relationship with the school district had deteriorated. At one point, the relationships were strong enough to establish agreements, yet the relationships have not been maintained. The respondents felt it was a lack of activity on both the tribe and school district's part. One common sense conclusion that can be drawn from the interviews is that while formal agreements and an education plan indicate a willingness on the parts of both entities to plan and to formalize relationships, it takes continued maintenance and effort to make good agreements good relationships. Thus, it is the process of developing and maintaining written agreements that is important in the collaboration process. Some tribes felt that the adoption of education codes unilaterally by the tribe was a desirable mechanism to encourage school district collaboration.
- **There is a significant gap in the knowledge (on the part of both tribes and LEA's) of available federal, state, regional and local programs that could be made available to serve Indian students.** There is significant anecdotal evidence from the surveys to support the notion that there is a lack of knowledge on the part of both tribes and LEA's on the availability of funds and the requirements for cooperative participation by "target groups" in the administration of the programs. Some tribes and LEA's could benefit from training in the opportunities available to school districts and tribes for special impact funding made available as a result of the presence of Indian communities within the school district service areas.

Additionally, tribes have become powerful economic and political entities in many areas. There are additional opportunities, other than federal funding, that come as result of the presence of Indian tribes within a school district boundary. These include the opportunities for increased participation by Indian parents as supportive citizens, volunteers, curriculum resource people, and political allies. Good relationships between tribes and LEA's could lead to alliances between tribes and school districts in the increasingly difficult economic times faced by most school districts. Increased understanding by LEA's as to the nature of tribal governments and their potential as economic and political partners should be the objective of any training and technical assistance program.

- **There is a desire on the part of tribal education officials to improve their relationships with the LEA's and there are many obstacles to achieving increased cooperation and collaboration that are a function of the characteristics of both the reservation communities and the LEA's.** There is a high level of agreement among respondents that there are many obstacles to increasing cooperation and collaboration. These obstacles identified include everything from latent and overt racism in both communities, tribal and school board "politics", fragmented programs, lack of coordination, lack of continuity from administration to administration, lack of cultural sensitivity, lack of adequate tribal staff, etc. These obstacles frequently exist in both communities. These perceived obstacles could be positive bridge-building elements if they can be accepted, discussed, and addressed through a collaborative problem-solving

process. Training in problem solving and planning would be highly effective in improving relationships between tribes and LEA's.

- **The provision of training and technical assistance by a third party such as the Northwest Regional Assistance Center may be perceived as an opportunity for increasing the cooperation and collaboration between tribes and LEA's.** Most respondents were very receptive to the idea of providing training in cultural sensitivity (needs and perspectives of Indian children, nature of tribal governments, etc), specific ways of communicating effectively with school personnel, and information about federal program requirements.

OTHER FINDINGS AND CONCLUSIONS

- Findings indicate that the Johnson O'Malley program is the most common program operating in schools. Title V and Title IX programs are second most common programs. However, many school districts are not taking advantage of all the programs available.
- There is a common perception that LEA's often try to avoid the tribal consultation requirements inherent in many of the federal education programs. It is not clear whether they do this for reasons of lack of desire or knowledge. Any training and technical assistance aimed at creating environments in which the tribes and the LEA's comply with the consultation requirements will most likely lead to better relationships and better programs.
- The general conclusion is that tribes and LEA's do not communicate enough, with regularity, and when they do, it is often as a result of crisis issues. There was high agreement among respondents that communication should be frequent, consistent, and regular at all levels.

Much of the communication between tribes and LEA's tends to be "as the need arises" and, therefore, it is often crisis-based. This typically translates into the consideration of the issues at a stage in the process when emotions are running high and the potential for misunderstandings are greatest. Respondents suggested with significant frequency that conflict resolution and facilitation skills should be taught as any part of a training program.

- The issues which the tribes and LEA's most frequently communicate about cover a broad spectrum. However, the data suggests that the most important issues center on student performance and behavior issues including attendance, delinquency, alcohol and drug problems, discipline, and parent involvement. There is a perception that many of these issues have a strong cultural component. If these issues were explored in light of cultural differences, the respondents felt that they could be addressed more effectively. Many respondents suggested that cultural sensitivity training might be of value. However, the data on the effectiveness of such training does not bode well for its use in these situations. The lack of acceptance of such training by non-Indian participants dictates that a more innovative approach needs to be taken.
- A related finding is that most of the respondents felt that informal exchanges between the communities that provided an opportunity for people to socialize and appreciate each other's cultures were desirable vehicles for increasing cooperation. The best practice sites exhibit an impressive array of community events in which residents from both communities participate. Training and technical assistance needs to provide an opportunity for these kinds of activities to surface as ways to build relationships between the communities.
- Tribes are decentralized governments. Responsibilities for education functions are often split between a number of departments. School districts are also decentralized institutions. A large number of respondents indicated that it would be desirable to have a single point of coordination in both the tribes and the LEA's. This is a challenge given the nature of the institutions and is a problem not easily solved. This issue should become a sample issue for any problem solving exercise done as part of the training. It is a good example of a problem that demands a local solution.
- The data suggests that the most common interaction between tribal education departments and the LEA's is between tribal education staff and school administrators. (71% of the respondents communicate with administrators, but less than 40% communicate with teachers or counselors.) This may be a function of the

fact that administrators are more likely to talk to administrators. Parents are more likely to talk to teachers and counselors. Yet, the most pressing issues discussed are student performance issues. These issues are less likely to be impacted by the administrators and most likely to be impacted by teachers, counselors, and parents. In order to achieve the objective of increasing quality of educational experience for Indian students and their teachers through increased collaboration, training must somehow increase the interaction between the teachers, counselors, parents, and students.

- There is a great opportunity for Indian tribes and their education personnel, parents, students, and community members to make valuable contributions to the school in terms of financial support, richness of curriculum material, volunteers, parental involvement and political support. The opportunities these resources provide are not often utilized by the LEA's. Yet, the resources that tribes can bring to a school district in many areas could be a substantial motivator for LEA's to try harder and for tribe's to participate. If, each group knows that they are going to be appreciated for their contribution. The training and technical assistance program design should incorporate these principles.

TRAINING PRINCIPLES AND DESIGN CRITERIA

Based upon the findings and conclusions, the following principles and design criteria are recommended for training and technical assistance to be offered to tribes and LEA's in the Northwest. The training and technical assistance will have to be designed to be provided on a limited basis in each state with the expectation that it will be replicated by the participants in their own local areas.

- Each situation, like each relationship, is different. Therefore, a training approach must reflect the diversity that exists in each setting. It should be adaptable and "user friendly" given the varying levels of relationship-building skills and situations that exist in Indian/non-Indian community interactions.
- There is a great need for exchange of information between the Indian and non-Indian communities and their educational institutions regarding the special characteristics of Indian communities from a cultural, historical, economic, social, and political perspective. There is a great need for exchange of information on the policies and principles of operation of the school district in light of the educational mission of the district. However, this exchange of information will not be effective without sound relationship building. Training must allow sufficient opportunities for people to tell their stories and explore each other's perspectives through those stories.
- Training should be simple, clear, direct, and compelling. It should have the promise of something "new". It should model the kinds of training and practices of communication and relationship-building that it teaches. Therefore, the training cannot be trainers "talking about" relationship building or talking "at" people about this federal program and that federal requirement. It must BE relationship building. Training should avoid "canned presentations" and emphasize facilitated discussion, brainstorming, and other types of small group discussions that suit the situation and the make-up of the group. The purpose of the training is to model problem solving in a way that provides people with tools for replicating the experience and a positive feeling about their abilities to develop their own unique solution sets.
- The individuals who provide training and technical assistance to the school districts and Indian communities should be familiar with the environment. People identified in a survey process as exhibiting "best practice" characteristics should be engaged in the training design process. Included in the appendices is a contact list of the 4 Best Practices models identified in this report. Each individual is willing to be a contacted to provide additional information about their projects. Additionally, classroom teachers, school administrators, school board members, parents, and tribal elected officials should all be given a place in training.
- The core principles of the training should reflect the notion that the people participating are the ones responsible for the solutions and ultimately the training itself. Resource people with expertise in federal education programs, conflict resolution/facilitation, and contemporary issues in Indian education, should be available and made a part of the training and technical assistance process, but should not necessarily be given presenter roles.
- Training should focus on developing relationships for the purpose of improving the "whole system", e.g.

"helping teachers help students". It will be less productive if the theme of any training is "helping teachers help Indian students." Salish Kootenai and some of the LEA's within their jurisdiction have developed policy language dealing with the administration of special purpose funds that emphasizes helping all students succeed. They thereby avoid stigmas and attitudes surrounding the concept of "special needs" programs.

- Technical assistance can be provided in the form of conflict resolution intervention, training in group problem solving techniques, providing resources for successful practitioners (personnel from "best practice" tribes/LEAs) to visit targeted areas, and presentations on utilization of federal programs for Indian education.

Part V BEST PRACTICE PROFILES

During the 2000 update of the Models for Collaboration, four tribes were identified as having excellent relationships with their Local Education Associations. Through these partnerships, the tribes were able to create and implement programs to further the success of their tribes' children. Following are short profiles describing these programs.

Enclosed in the appendices is a list of contacts for the Best Practices below. Each individual expressed a willingness to be contacted to share more details about their programs or answer any additional questions.

Skokomish Tribe: Unity Project

The Skokomish Tribe has developed a Memorandum of Agreement with the Hood Canal School District and the Office of the Superintendent of Public Instruction. The purpose of the agreement is to implement the Unity Project. The Unity Project was created by the Washington State Native American Education Advisory Committee and Native American Think Tank to help improve academic levels of Indian/Alaskan native students. Some of the programs currently underway are: a program coordinated by the Washington Reading Corps to allow tribal employees one hour a week release time to volunteer to help students with reading and other subjects at school (the Tribal Chairman volunteers in the Kindergarten); a morning summer school for tribal students held at the Hood Canal Middle School, where among the regular subjects students have created a web site which is an online museum for tribal culture and history; and the development of an after school wrap around program where students are given snacks, participate in physical activities and are helped with homework. During this after school program, students have access to a computer lab / resource center, and plans are being made to have tribal employees volunteer to tutor students and possibly have older students working with younger students. The Skokomish Tribe Education Director feels the program is a great opportunity for parents who are tribal employees to be more involved with their children's education.

Chippewa-Cree Tribe: Parent Institute

A number of years ago on the Rocky Boy's Reservation in Montana, parents, schoolteachers, and tribal social services staff members starting talking about how parents could empower their children to be more successful in school. The product of these talks is an annual three-day event that is called the "Parent Institute". The tribal social service department, tribal collage, and public school district 87J work together to hold the institute for parents of students who attend the local schools. Parents attend workshops modeled after workshops attended throughout the year by tribal staff, and listen to national speakers on many different subjects all geared towards teaching parents how to support their children. A small stipend is given to many parents, which may help the Parent Institute program managers to recruit over one hundred parents annually.

Kalispel Tribe: Intro to Indian Studies

The Kalispel Tribe and Cusick Public School District have worked together to create a high school class called "Intro to Indian Studies". The class is a semester long and begins with an overview of Indian cultures and language families starting in the southwest, continuing up the northwest coastline and then over to the inland plateau. The final four weeks of the class are spent studying the Kalispel Tribe. Students gain elective credit for the class, which will go towards fulfilling requirements in Social Studies. The class was first offered in 1998 and has served approximately thirty students, which is ten percent of the high school population. The idea for the class came out of meetings that were held between parents, tribal leaders, and school administrators the new principal of the high school, seeing that the class was an opportunity to keep tribal students in school began collaborating with the tribe to make the class a reality. JOM funds were used to supply the material for the class and Tribal leaders worked with the teacher and principal to develop curriculum. Due to the success of the class, programs are in the works to develop a Kalispel Cultural curriculum for grades K through 12, which parents, Tribal leaders and school administrators hope will lead to a full Kalispel Language program for all students. The Language program would even be carried over into the tribally owned Daycare, which is the only state licensed daycare in Pend Oreille County.

Confederated Tribes of Grand Ronde: American Indian Leadership Academy

The American Indian Leadership Academy is a program created to give tribal youth the opportunity to develop their leadership skills. The program got its beginning in the state Title IX office and is a collaboration between the Confederated Tribes of Grand Ronde, Chemawa Indian School, and Willamina, Keizer, and Portland Public School Districts. The program is comprised of 5 eight-hour sessions that are held monthly. The students listen to speakers and participate in activities which train them in: Community/Team Building, Cultural Awareness and Pride, Self-Care and Wellness, Community Service Projects, and Service to others. During the course of the program, students learn to speak and present themselves publicly which empowers many of them to take on leadership roles within the program. Presently there are approximately one hundred youth representing many different tribes participating, which gives the youth involved the opportunity to learn about other tribal cultures. It also creates an opening for youth to develop strong bonds and friendships with members of several tribes. The Grand Ronde Youth Education Supervisor feels that building these types of relationships will have an extraordinary effect on inter-tribal relationships of the future. Working with the program has also strengthened the relationship that the Grand Ronde Tribal Youth Education Department has with the local school district as tribal staff has had a more consistent presence in the schools. "Teachers and Principals know that we are not just there during crisis situations, but that we are there on a daily basis", says the Youth Education Supervisor, "and that we are very interested in helping our kids to succeed".

These are only four examples of "Best Practices" documented during the 2000 round of surveying. Several other exception tribal programs have been identified (see list in appendices) and it is recommended that at least four more of these programs be investigated and documented for inclusion in the final draft of this report.

Part VI SUMMARY

After reviewing the data gathered during the 3 different survey periods, 1996, 1998, and 2000, it has been confirmed that the trends are consistent. There is no significant difference in the data provided from the tribes. The information gathered from the 49 tribes interviewed concludes that the training technical assistance to develop effective models for collaboration would need to be based upon the following parameters:

1. Training in planning and problem-solving for all participants
2. Information exchange about the nature of tribes, Indian culture, federal program resources, and school district culture
3. Improvement of program coordination
4. Community and trust-building between Indian and non-Indian participants

The survey has and will continue to yield valuable data on the needs for training and technical assistance. Most importantly, it has initiated conversations about these topics with people who have received the ideas with enthusiasm. This is the first part of the relationship-building process between tribes and LEA's. The next step is to actually provide training.

The criteria outlined above represents an enormous challenge to design training and technical assistance that meet these requirements. If it is to be effective, it must incorporate the best experiences and knowledge of people who have made cooperation and collaboration work in the Indian and non-Indian communities. It is an exciting challenge for NWRAC and ATNI to develop the relationships it has initiated for the benefit of its constituents, the tribes of the northwest, and their constituents--the children of Indian Country.

Part VII APPENDICES

Blank survey instrument
List of tribes interviewed
Completed 2000 surveys and corresponding agreements
List of 2000 Best Practices contacts
List of potential Best Practices sites

Survey Form

1. In what situations does your tribal education department communicate with representatives of the local school district? (e.g. are there regular meetings, or are meetings held on an "as needed" basis)

2. What issues have arisen?

3. With which representatives do you most frequently communicate?
 - Teachers
 - Counselors
 - School Administrators
 - Educational Service District Personnel
 - School Board Members

4. How would you characterize your general relationship with the local school district?
Poor Fair Good Very Good Excellent

5. Do you have memorandum of understanding? If yes, please send to ATNI, Attention Laina Green, 1827 NE 44th Ave. Suite 130, Portland, OR 97213

6. Are there any types of formal agreements between the tribe and local school district(s)? (e.g. Agreements on administration of JOM programs or Impact Aid dollars made available to the district.) Do you have a written copy? Please send.

7. In what ways would you like to improve your current working relationship with the local school district(s)?

8. What are the obstacles to accomplishing this?

9. If training were to be provided by an outside organization sponsored by ATNI for school officials as well as tribal education officials on further improving the working relationships between the two, what kinds of things should be included?

10. What school districts do your students attend?

11. Is there any ONE particular issue that you would like to have included in this survey?

12. Is there an education plan? If so please send it.

13. Do you have e-mail? If so what is your address?

LIST OF TRIBES INTERVIEWED

30 Tribes Interviewed - 1996

Burns Paiute Tribe
Chelalis Tribe
Klamath Tribe
Coeur d'Alene Tribe
Conf Tribes of Colville
Conf Tribes of Coos, Lower Umpqua & Siuslaw
Conf Tribes of Grand Ronde
Conf Tribes of Salish & Kootenai
Conf Tribes of Siletz Indians
Conf Tribes of Umatilla Indians
Conf Tribes of Warm Springs
Coquille Tribe
Cow Creek Bank of Umpqua
Hoh Tribe
Jamestown S'Klallam Tribe
Lower Elwha S'kalallam Tribe
Lummi Indian Nation
Muckleshoot Indian Tribe
Nez Perce Tribe
Nisqually Tribe
Quileute Tribe
Quinault Indian Nation
Shoshone-Bannock Tribe
Spokane Tribe
Upper Skagit Tribe
Assiniboine & Sioux Tribes
Blackfeet Tribe
Crow Tribe
Fort Belknap Agency
Northern Cheyenne Tribe

6 Tribes Interviewed - 1998

Stillaguamish Tribe
Squaxin Island Tribe
Tlingit & Haida Indian Tribes
Tulalip Tribe
Port Gamble S'Klallam Tribe
Matlakatla Indian Community

13 Tribes Interviewed - 2000

Hoopa Valley Tribe
Kalispel Tribe
Kootenai Tribe of Idaho
Makah Tribe
Nooksack Indian Tribe
Puyallup Tribe
Samish Tribe
Sauk-Suiattle Tribe
Shoalwater Bay Tribe
Skokomish Tribe
Suquamish Tribe
Swinomish Tribe
Yakama Indian Nation

10. Klamath – Trinity Joint Unified School District
 1. Our office takes a very pro-active stance with the school district. We attend site meetings, school board meetings, policy development, serve on hiring committees, and meet with school administrators as needed.
 2. Impact-Aid law, and following up on written and oral recommendations submitted by the tribe to meet the needs of tribal members.
 3. School Administrators, Educational Service District Personnel, and School Board Members.
 4. Very Good. Because our office is pro-active and continually promotes sound recommendations for quality education.
 5. No. But provided major input for Impact Aid policies and procedures. Intend to develop a compact agreement with the State of California.
 6. Impact-Aid Policies and Procedures. Impact-Aid compliance filed by the Hoopa Tribe which resulted in a settlement agreement.
 7. Assure a Government to Government relationship to affirm Tribal Sovereignty.
 8. Need to finalize Education Code and develop a formal agreement with the State.
 9. Tribal Sovereignty and tribal authority to oversee education for its membership.
 11. Formal agreements between Tribes and State Department of Education.
 12. Are developing a strategic plan for tribal education.
 13. morton@pcweb.net

10. Cusick Public Schools

1. He would say on a regular basis. There have been changes within the administration of the school district and within the tribe's government, which have allowed for a better working relationship between the two. They have a strong relationship with the school district superintendent Christy Harwood.
2. Everything from racism to a small amount of violence. In the past, the tribe felt a lack of support on the part of the school district for tribal culture and ideals. Now the tribe and district work together on many issues and projects, inclusive of all the students in the district.
3. Teachers and School Administrators. There has always been a core group of teachers in the elementary schools that have worked well with the tribe.
4. Very Good. Still some concern with the school board.
5. No
6. They have agreements but he did not have them on hand. Send a letter of request to his office to remind him to send them.
7. Tribal members elected to school board. Tribal members coming back to teach in their school district.
8. There needs to be an orchestrated plan to get tribal members elected to the school board. In the past there has not been much interest on the tribes' part. They have tribal members who can serve so it will just be a matter of getting tribal members out to vote.

Getting tribal members to come back to teach within the school district is a money issue. Other school districts have more funding and can pay more. The district and tribe will have to focus on having enough money to negotiate services of Tribal members who are teachers.

9. Any type of training would be good at this time. Some type of cultural sensitivity training for non-Indian administrators and teachers that gets them involved and interested without being to blatant.
11. Having the Washington state school system give more support to smaller school districts with Indian students. Making it a requirement that teachers and administrators take courses in Indian culture.

12. They are working on one. Send a letter of request to his office for a copy.
13. dcbonga@uswest.net

10. Most of their children attend the new Tribal School started last year. The remainder attend schools in Boundary County.
1. Since they have their own school they only communicate with the public schools as needed.
2. They have a high rate of dropouts. The tribe donated a lot of money to the local school district but felt that the school district was not serving their children. The tribal Education Director offered training workshops for teachers and school district leaders on dealing effectively with Indian children but they were poorly attended. In light of these issues, the tribe decided to open their own school. Kootenai Tribal School has grades K through 12 and is not yet a chartered school.
3. Teachers and Councilors
4. Fair
5. No
6. No. The tribe manages the JOM program. Not sure that the school district even applies for Impact Aid.
7. They would like to assistance the local school district by offering workshops or contribute in some way to build a better relationship.
8. The tribal education staff has been so busy managing their own programs that they have not had much time to be involved with the school district.
9. Indian education work. Integrating culture into curriculum. Training regarding at risk teenagers, and early childhood education as they have no Head Start program.
11. Language and culture – making sure it is respected and implemented into curriculum. They need assistance making sure programs are running correctly. And because they are so busy some sort of assistance, notices, etc. regarding grant and program money deadlines.
12. No formal plan yet but they are working on writing curriculum
13. barbara@kootenai.org

10. Cape Flattery School District
 1. Meetings held on an "as needed basis". We are currently in the process of scheduling regular meetings.
 2. Communication between community and Tribal members.
Low test score.
 3. School Administrators, and School Board Members.
 4. Fair
 5. No
 6. Not that I am aware of. We are currently processing a memorandum of agreement regarding our "Unity Project".
 7. Re-establish regular meetings with school district.
Community Forums to discuss issues and provide understanding.
 8. United Staff (we are working on this).
School District office has always been off the reservation.
 9. Improving parental involvement.
Understanding of cultural differences to improve communication.
11. No
12. No
13. mtceduc@olypen.com

10. Mt. Baker School District
Nooksack Valley School District
 1. Regular monthly meetings with both school districts. The tribe also hosts an annual school board meeting for one school district
 2. Student grades, Summer program opportunities, improving communication between schools and the tribe, grant requests and other opportunities as they come up.
 3. School Administrators, special programs people, and Indian tutors.
 4. Good with the Mt. Baker School District.
Fair with the Nooksack Valley School District.
 5. No
 6. No formal agreements but they do sign off on the Impact aid grants every year.
 7. Would like to have more meaningful input on how the districts Impact Aid money is spent and on their budgeting in general.
 8. Not enough tribal education staff.
 9. Clear information on JOM, Impact Aid and IX programs. (e.g. their history, where they come from, and what criteria are those funding sources based on.)

Insight into the history of Indian Education, which could help school districts understand the trust issues the tribe has.
 11. The issues already discussed in this survey.
 12. Currently there is not an education plan in place. The tribal education department is working with the education committee to develop and implement a plan.
 13. williams_buddy@yahoo.com

10. Puyallup, Tacoma, Franklin Pierce, Fife, Clover Park and Orting School Districts.
1. The Chief Leschi School has an inter-local collaboration with the above school districts and meetings are held on a regular basis.
2. In-service, curriculum, athletics, tests scores, program exchanges.
3. Superintendent Lorton meets with the assistant superintendent.
4. Relationship characterized as "Good working towards Excellent".
5. Chief Leschi School has an inter-local collaboration agreement with the local public school district. Superintendent Lorton promised to consider sending it upon written request.
6. No
7. Chief Leschi School is interested in developing exchange programs with the local school districts. One exchange program mentioned was that of exchanging knowledge regarding Tribal Culture for the local school districts Advanced Mathematics Courses.
8. Transportation, Scheduling, and collaborative efforts between teachers.
9. Orientations for the tribe in state rules and regulations of public schools. Also how public schools operate and are funded. Orientation and understanding as to the mechanism used for testing and how is it relevant to Indian students. If it is not relevant how can they work to make it so.
11. It would be helpful to educate school districts as to the legal and governmental implications of tribal sovereignty to clarify why tribes are the way they are.
12. The school has an education plan and they will send it upon written request.
13. ray@leschi.bia.edu
Chief Leschi School web site at – www.leschi.bia.edu

INTERLOCAL AGREEMENT FOR EDUCATION SERVICES

Puyallup School District #3

and

Chief Leschi Schools

Whereas, Puyallup School District No. 3, a municipal corporation, Pierce County, Washington (the "District"), provides basic education services on behalf of the State of Washington to students eligible to attend its schools; and

Whereas, the Puyallup Tribe of Indians, acting through the Puyallup Tribal Council (the "Puyallup Tribal Council"), is an independent sovereign nation recognized as an Indian tribe by the federal government; and

Whereas, the Puyallup Tribal Council has created the Chief Leschi School, Inc. (the "School"), as an independent corporate entity under the laws of the Puyallup Tribe to serve the educational needs of Indian children in the community and currently provides educational program serving students in pre-school through twelfth grade; and

Whereas, pursuant to RCW 28.320.140 (1) the District desires to offer an educational program with special standards to parents in cooperation with the School; and

Whereas, the District, the Puyallup Tribal Council, and the School have each determined and recognized by resolution of each governing body that students attending the School may be eligible to receive educational services from the District and that the educational opportunities of such children will be more fairly provided by the execution of the following Interlocal Agreement pursuant to chapter 39.34 RCW of the laws of the State of Washington;

Now, therefore, the District, the Puyallup Tribal Council, and the School agree as follows:

INTERLOCAL AGREEMENT

Puyallup School District #3 and Chief Leschi Schools

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1. Duration. The initial term of this agreement shall be from September 1, 1997, through August 31, 1998, and may be renewed by the parties for successive one year terms thereafter. Before January 15, 1998, and by that date in each subsequent year, the District and School representatives shall meet and confer on whether to renew the Agreement and any necessary modifications in the event of renewal. The Agreement shall be deemed automatically renewed unless the District or the School notifies the other party on or before April 1 of its intent to terminate the Agreement effective at the end of the current term.

2. Purpose. The purpose of this agreement is to establish a contract between the District and the School for the School to provide educational services to students enrolled in the District and for the District to provide funds to the School for such educational activities. This agreement is intended to comply with the requirements of WAC 392-121-188, as now existing or hereafter amended, so that the students receiving educational services at the School may be enrolled in the District and included in its student enrollment count for basic education apportionment funding from the State of Washington. The agreement further establishes the amount and method of distribution of such basic education funding that will be paid to the School and to the District for the purposes enumerated herein.

3. Non-Delegation of District Legal Responsibilities. Pursuant to WAC 392-121-188 (2), nothing in this Agreement is intended to relieve the District of responsibility for complying with State and Federal law as they may apply to the educational services to be provided students under this Agreement.

4. Basic Legal Duties of the School. Pursuant to WAC 392-121-188 (3), the School shall comply with all pertinent state and federal laws applicable to the District. The parties interpret that section as intending that the School shall be bound by those state statutes and regulations that govern educational services provided to students.

a. Examples of the provisions that shall apply to the School include those concerning:

- (1) Constitutional requirements and limitations;
- (2) Curriculum;
- (3) Non-discrimination and equal educational opportunity;
- (4) The rights, health, and safety of students;
- (5) Accounting for state basic education allocation funds provided under this Agreement;
- (6) Certification requirements for teachers;
- (7) Restrictions on employment based on criminal convictions;
- (8) Availability of records, as to documents provided to the District under this Agreement;
- (9) The Hatch Act and the Buckley Act.

b. Examples of provisions that shall not apply to the School include those concerning:

- (1) School boards and directors, board governance, elections;
- (2) Accounting for funds obtained by the School from sources other than this Agreement;
- (3) School property;
- (4) Personnel issues, employee relations, such as continuing contract requirements, with the exceptions noted above;
- (5) Open records and open meetings requirements, with the exceptions noted above.

5. Prohibition Against Tuition Charges and Discrimination.

All students served at the School pursuant to this Agreement shall be provided educational services without cost for tuition or fees for attendance at the School. The School shall not discriminate or otherwise unlawfully exclude any student or person from participation in the School's education program on the grounds of race, creed, color, national origin, sex, marital status, or presence of any sensory, mental or physical handicap; provided, however, that the School may, to the extent that it does not violate the 1964 Civil Rights Act, 42 U.S.C. Section 2000e, implement a policy of Indian preference in admissions in situations where the capacity of the School's programs or facilities is not as large as demand.

INTERLOCAL AGREEMENT

Puyallup School District #3 and Chief Leschi Schools

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6. Admission Requirements for Students Served Under the Agreement.

a. All students receiving educational services from the School pursuant to this Agreement must first be enrolled in the District. For students desiring to attend the School who are not residents of the District, or not otherwise eligible to attend the District pursuant to RCW 28A.225.170 or RCW 28A.225.215, such students may be admitted upon submission of a release from such student's resident school district and application and acceptance for admission to the District as a non-resident student pursuant to the criteria established under RCW 28A.255.220 and .225, and the District's Policy and Procedures 5119 governing admission of non-resident students.

b. The admission criteria and other requirements of RCW 28A.225.160 through .330, shall apply to all applicants for admission to the District for the purpose of receiving educational services from the school.

c. The School shall perform and verify performance of the requirements for visual and auditory screening under RCW 28A.210.020.040, scoliosis screening under RCW 28A.225.180 through .250, and the immunization program under RCW 28A.210.060 through .170, and any implementing District policy and procedures, as set forth in Exhibit A, for all students seeking admission to the School's educational program. Documentation of compliance with these requirements shall be made in a manner that complies with the District policies and procedures.

Handwritten note:
This is a copy of the original document.
The original document is in the possession of the Puyallup School District.

7. Enrollment Reporting, Attendance and Student Discipline.

a. The School shall comply with the requirements of WAC 392-121-188 (7) by preparing and providing to the District enrollment reports that comply with the definition of a full-time equivalent student under WAC 392-121-122, work based learning in WAC 392-121-107 (1) (f), limitations on enrollment counts in WAC 392-121-136 and enrollment exclusions in WAC 392-121-108.

b. The School shall maintain daily attendance records for all students and comply, in cooperation with the District, with the requirements of the State of Washington's mandatory attendance law, RCW 28A.225.005 through .151. Where students of the School who are subject to the jurisdiction of the Puyallup Tribal Court are involved, certain terms used in RCW Chapter 28A.225 shall be deemed to refer to the appropriate entity, official, or institution of Chief Leschi Schools or of the Puyallup Tribe, as appropriate, or to an individual or agency that would otherwise have jurisdiction to carry out the relevant action. In particular,

(1) The terms "juvenile court" and "court commissioner" shall be deemed to refer to the Puyallup Tribal Court;

(2) The term "school district" shall be deemed to refer to Chief Leschi Schools;

(3) References to law enforcement officials in RCW 28A.225.060 and similar statutes shall be deemed to include only such officials who would otherwise have jurisdiction over the individual in the circumstances at issue.

c. The accounting format for students enrollment reporting, the standards for determining excuses or unexcused absences, and the format for maintaining attendance reports are attached hereto as

Exhibit B.

d. (i) The rules for student conduct at the School, which have been approved by the District, are set forth in Exhibit C, and such rules shall be maintained in a manner consistent with the District's Student Rights and Responsibilities Policies and Procedure 5114. Any student grievances or appeals from disciplinary actions, suspensions, or expulsions, shall be conducted in accordance with the requirements of federal law and, to the extent not inconsistent therewith, the requirements of Chapter 180-40 WAC.

(ii) Pursuant to RCW 28A.320.140 (1), the District has adopted the rules identified in Exhibit C as special disciplinary standards for the educational program offered by the school. Parents choosing to enroll their children in the school shall indicate their consent to such standards by executing a consent statement in the form attached hereto as Exhibit D. For students in the School program, their continued participation in programs offered by the School shall be governed by the School's procedures for appealing from the School's disciplinary actions, including judicial review of the School's actions in the Puyallup Tribal Court. If a student is excluded from the School's program and does not desire to resort to the appeal procedures provided by the School, then the student may participate in otherwise available and appropriate educational programs offered by the District subject to the District initiating its own student disciplinary actions (s) regarding the conduct that prompted the exclusion of the student from the School's program. Such disciplinary action by the District shall be subject to the District's ordinary appeal and judicial review process; provided, however, that the student shall not return to the School's educational program unless that return is approved by the School.

8. Educational Program Requirements.

a. Pursuant to WAC 392-121-188 (6), the District has hereby approved the School's curriculum for students served under this agreement pursuant to the requirements of RCW 28A.320.230, including texts used, course offerings and descriptions, school calendar and teacher-student contact times, learning objectives for various grade levels and classes, advancement/retention standards, academic and grading standards, as further set forth in Exhibit E to this agreement. Any modifications of the School's curriculum shall be first submitted to the District for review and consideration pursuant to RCW 28A.320.230.

b. The curriculum and program offering of the School shall be maintained so that all students participating in the School's program under this Agreement are working toward course credits that satisfy the high school graduation requirements approved under subsection (a) above.

c. The curriculum and educational program of the School shall be conducted in a manner that satisfies the requirements of the State's Basic Education Act, RCW 28A.320.220 through .240, and the compulsory course work and activities requirements of RCW 28A.230.010 through .260. The School shall maintain records and other information as may be required to allow monitoring of the program for compliance purposes. The current monitoring forms and criteria are set forth in Exhibit E.

9. Special Education/Section 504 Compliance. The School shall provide, with federal and other funding that it receives, special education and related services as required by the federal Individuals with Disabilities in Education Act (the "IDEA")] to all students at the School who previously have been, and who in the future may be, identified as requiring special education and related services or who are referred for such services and determined eligible. The School shall also provide accommodations to students with disabilities as may be required by Section 504 of the Rehabilitation Act of 1973 and the implementing regulations of the federal Department of Education. [With the exception of the provisions of Section 13 herein, this Agreement shall not be applicable to the provision of such education and services, and the payments specified in Section 12 of this Agreement shall not be provided for such students.]

10. School Personnel.

a. All instruction provided by the School under this Agreement shall be conducted by certificated instructors or personnel acting under their direct supervision to the extent required by RCW 28A.405.465 and other applicable law. The School shall maintain records sufficient to demonstrate that all instructors have the required certification from the State of Washington for the courses that they teach. The current certification records of the School's instructional staff is set forth in Exhibit G.

b. The School shall maintain a ratio of full-time equivalent certificated instructional staff to full-time equivalent students served under this Agreement of not less than the same ratio applicable to students enrolled in the District not receiving educational services at the School.

INTERLOCAL AGREEMENT

Puyallup School District #3 and Chief Leschi Schools

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The existing ratios in the District at the time this Agreement is executed are not less than 54.3 certificated instructional staff units per 1,000 full-time equivalent students for grades K-3, and 46 certificated instructional staff units per 1,000 full-time equivalent students for grades 4-12. *18.3 class size* *21 class size*

c. Pursuant to WAC 392-121-188 (9), the School shall provide personnel information concerning its certificated instructional staff providing services to students under this Agreement in a manner sufficient to allow the District to report the School's instructional staff, along with the District's own instructional staff, as required by the Superintendent of Public Instruction's annual personnel reporting system.

d. Pursuant to RCW 28A.400.330, the School shall prohibit any employee from working at the School who has contact with students in the course of his or her employment if such employee has been convicted of any of the crimes enumerated in said statute. Failure to comply with this condition is grounds for the immediate termination of this Agreement. The School shall also comply with the background checks and screening requirements for all employees and volunteers who may have unsupervised access to children as set forth in Chapter 43.43 RCW.

e. This Agreement is not intended to create a joint, dual or any other type of co-employment relationship between the District and employees of the School. *Benefits ?*

11. Financial Data and Agreement Budget.

a. The School shall maintain for review, copying and inspection by the District financial data, including documentation of all revenues and expenditures, pertaining to this Agreement. The format for such data is set forth in Exhibit H to this Agreement.

b. The Budget for the anticipated revenues and expenditures under this Agreement is set forth in Exhibit I.

12. Payment.

a. The District shall pay for the services to District students receiving services at the School and reported by the District to the State for basic education apportionment funding the amount of \$3,064 per FTE BEA student and \$3,499 per VOC FTE recalculated annually at the times and in the manner set forth in Exhibit J, less any additional costs identified in said Exhibit as deductions from such funding. The sole financial liability of the District under this Agreement for payment to the School for education services provided shall be from this designated funding source of State basic education apportionment funding for the students. In addition, any obligation arising from this Agreement for the District to repay the State for any funds previously received and distributed under this Agreement shall either be offset from future funding payable to the School or recouped by the District as provided in subsection 12.3, herein.

b. The District shall retain from the funds described in subsection 12.a, a sum to compensate for any calculated revenue loss resulting from any apportionment factor impacted by this Agreement such as the mix factor and Special Education funding. See Exhibit J.

c. The District shall retain from the funds described in subsection 12.a, a sum to defray the start up administrative costs and attorney's fees the District incurs in implementing this Agreement as set forth in Exhibit J.

d. The District shall further retain from the funds described in subsection 12.a, the first apportionment installment due to the School and deposit such sum in the escrow account identified in Exhibit J for the purpose of providing a retainage account to satisfy or help satisfy any additional expenses it incurs as provided in subsection 12.e, herein. Any earnings from this escrow account shall be paid to the School. The principal and interest shall be paid to the School after year-end adjustments based on the F-196 Report.

e. If any expenses are incurred by the District in the implementation of this Agreement that exceed the amount set forth in the budget identified as Exhibit J in categories designated as reimbursable expenditures, or the District incurs costs not otherwise budgeted, then the District, upon concurrence with the School, shall be reimbursed from the escrow account for such expenses and, if said account is insufficient to pay the costs of the expenditure, then directly from the School. Any dispute arising under this subsection shall be resolved in Accordance with section 14 herein.

13. Indemnity and Insurance.

a. The School shall defend, indemnify and hold harmless the District from all claims arising under this Agreement based upon the acts or omissions of the School. The District shall also defend, indemnify, and hold harmless the School from any claims based upon the acts or omissions of the District.

b. The School shall maintain liability and related insurance policies, naming the District as an additional named insured in the manner set forth in the certificates of coverage and policies attached hereto as Exhibit K.

c. The duties of this section 13 are intended to survive the termination of this Agreement.

14. Dispute Resolution and Waiver of Sovereign Immunity.

a. Any dispute between the signatories as to the performance or enforcement of this Agreement shall be resolved by binding arbitration. Unless the parties otherwise agree on a single arbitrator, the arbitration shall be conducted by a panel of three arbitrators, one selected by each party and the third selected by the two thus chosen. Arbitration shall be conducted according to the procedural rules of the American Arbitration Association. The expenses of arbitration shall be divided equally between the parties.

b. The School agrees that in any proceeding brought under and consistent with these dispute resolution procedures, including enforcement of an arbitrator's decision, it will not raise as a defense the sovereign immunity of the Tribe or the School. The School hereby enters a limited consent to any dispute resolution or enforcement action that is consistent with the procedures set forth in this section, or in any judicial or administrative action by a person who is not a party to this agreement and for which the School has or may have an obligation to the District under section 13.a of this Agreement. This limited consent is subject to the following terms and conditions:

(1) This limited consent is effective only as to the District or a party whose claims may invoke the School's indemnity obligations to the District;

(2) This limited consent is effective only as to claims made under this Agreement or any claims that trigger the School's indemnity obligations;

(3) This limited consent applies only to Chief Leschi Schools. This limited consent does not apply to the Tribe or to any other department or program of the Tribe or to any Tribal or School official;

(4) This limited consent applies only to relief in the form of enforcement of the provisions of the Agreement, including any indemnity obligations;

(5) This limited consent shall expire upon termination of the Agreement or completion of all of the School's obligations under the Agreement, whichever is later.

15. Monitoring of contract Performance and Standing Committees to Administer Agreement.

This Agreement shall be jointly administered by the District and the School.

a. The Superintendent of the District and the Superintendent of the School shall have lead responsibility for the administration and enforcement of the Agreement.

b. The primary contact person for the District for matters related to this Agreement shall be Dr. Richard Sovde. The primary contact person for the School shall be Linda Rudolph. Those persons shall provide each other with up-to-date telephone numbers at which they can be contacted.

c. Each Superintendent shall designate appropriate staff members to serve on ad hoc committees that will address the following categories of issues under this Agreement: personnel; business; curriculum, instruction and student management; board relations.

INTERLOCAL AGREEMENT

Puyallup School District #3 and Chief Leschi Schools

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This Agreement is executed on the dates indicated by each party's signature, and is effective when executed by all three.

PUYALLUP SCHOOL DISTRICT #3

By: Mandy Thompson

Its: School Board Chair

Date: 3/24/97

CHIEF LESCHI SCHOOLS

By: Donald J. Lentz

Its: School Board Chair

Date: 6/2/97

PUYALLUP TRIBE OF INDIANS

By: Bill Sterud

Its: Tribal Council Chair

Date: 7/30/97

3/24/97

10. Because they have no reservation land, tribal members are spread throughout many school districts in the state of Washington. The education programs for the tribe are very new and since the tribal offices are in Anacortes Leslie Eastwood is working specifically with the City of Anacortes School District.
1. As needed and as they can arrange a meeting.
2. Coordinating special services for tribal students, in particular pre-school age children.
3. Teachers and Specialist within the local city school district.
4. Poor
5. L. Eastwood describe the MOU for the Samish Tribe as an "oral legend", because while both tribal and district officials agree that there is an agreement and services provided to the tribe out of that agreement the actual document cannot be found.
6. No
7. Firstly to work government to government with the local school boards and Tribal council. Secondly, work to build relationships between school administrators and teachers and the tribes education department.
8. Repeated efforts to contact local school districts by the tribe have not been responded to.
9. Collaboration of communities to build and support the education process.
11. Would like to know how many other tribes have poor relationships with LEAs. In addition, wants information from tribes with working collaborations with LEAs, specifically information as to how those tribes did it.
12. The tribe is just beginning to develop its education plans and programs.
13. leastwood@samishtribe.nsn.us

10. Darrington School District
 1. As needed.
 2. Referrals for special education for pre-school aged children. Impact Aid distribution issues. School bus discipline issues.
 3. Teachers
 4. Poor
 5. Yes, but she does not have the document.
 6. Gloria Hornback administers the JOM program and acts as advocate for tribal students and families involved with the school districts' special education program. She assumes that some type of formal agreement with the school district regarding Impact Aid exists but does not have the document itself. In the past the school district would send lists of tribal students affected by Impact Aid for tribal correction and approval, but have not done so recently. Attempts to rectify the situation have been unsuccessful due to resistance on the part of school district administrators.
 7. Better coordination between the tribe and school district, by inviting the school board to tribal council and by having tribal council visit school board meetings.
 8. Local attitudes towards the reservation and Native Americans make it difficult to build a good working relationship with the school district. One school teacher when asked about diversity training commented that "we have had too much diversity training shoved down our throats". Another obstacle is lack of support from the state Indian education office.
 9. Diversity training, communication classes, and positive discipline training.
 11. Would like to see a more diverse group of people working in the local school district.
 12. No
 13. gloria@glacierview.net

10. Ocosta School District
Westport School District
1. Regular meeting on a quarterly basis.
2. Racial and behavioral issues
3. Teachers, Counselors, and School Administrators.
4. Very Good
5. No
6. No
7. The Tribe has a very good relationship with the school district. We have been working together for five years.
8. We have broken down the racial barriers.
9. No
11. No
12. Yes
13. No

Three Year Strategic Plan

EDUCATION

The Education Department will submit the following draft plan for the coming three year period. Because of erratic funding sources, and the possibility that current funding sources will not be available in the future, this plan will be subject to review and change as often as needed to assure the quality and integrity of the Educational programs.

Our Mission:

" To deliver high quality educational opportunities and services to all members of the Tribe and their families, to serve eligible Native Americans in our service area with high quality educational, Vocational, or self enhancing programs to assist the members of our community in reaching the goals they have set for themselves, to encourage and empower community members to improve their education level, and to assist the youth of the community to reach for higher education opportunities through out their lives by building a strong groundwork for them when they are young. To increase the employability of Tribal members through higher education."

The purpose of the Educational department is to deliver a number of high quality services and opportunities to this community members wishing to continue or seek educational opportunities for the purposes of seeking better employment opportunities, self enrichment, or teaching young Tribal and community members solid study and learning methods in order to reach their full potential as they continue through school. We also offer a number of vocational and job enrichment functions, and assistance in obtaining a GED for adults or for students that have dropped out of school.

Our Goals:

1. To dramatically reduce the number of youth that do not complete high school.
2. To increase the number of adults that obtain their GED and continue on to higher education or vocational programs.
3. To increase the quality of educational programs offered at the Tribal location.

4. To connect with Universities, such as WSU, to provide satellite training that is accessible to all community members.
5. To enhance the offerings in tutoring for youth to assist them to excel with subjects they do not fully understand.
6. To plan and eventually establish an education building that will serve the needs of all Community members and will be accessible evenings and weekends.
7. To plan for the eventual development of an early learning center for children who would be eligible for daycare but are too young for programs in process.
8. Plan for traditional language classes for those in the community wishing to learn.

Objectives:

YEAR ONE:

1. To assess the current programs available, and streamline service delivery.
2. To seek funding sources that are compatible with programs already in process
3. To assess the feasibility and form a community action group to assist in the process of planning and development for the Early Learning Center.
4. To re-define roles and responsibilities of the current staff and adjust as needed to serve the flow of clients.
5. Review and redesign if needed of youth projects designed to assist young students to learn better study skills.
6. Begin planning and design of programs to assist domestic violence victims become independent single parents.
7. Establish curriculum for all tutoring and adult education programs

YEAR TWO:

1. Establishment of Traditional language program.

2. Assess the current level of education of all individuals in the community through use of a survey instrument.
3. Assess the rate of dropouts and monitor increase or decline.
4. Conduct community outreach and awareness campaigns to inform the community about educational opportunities.
5. Design Early learning curriculum through interaction with the community team.
6. Revise current data collection and reporting systems to reflect increase / decrease in education levels.
7. Develop a plan for satellite campus for university courses.
8. Assess and adjust functions of summer youth program to reflect changing educational needs.

YEAR THREE:

1. Have sought additional funding sources and designed new programs that will serve clients beyond GED or high school graduation, as well as establish scholarship opportunities for youth wishing to attend college.
2. Having planning process completed for eventual Early Learning Center.
3. Expanded tutoring program to serve more youth during longer hours, and to address the needs of adults.
4. To have a program operational to assist victims of Domestic Violence to learn skills and gain education that will assist them to become independent.
5. Re-assess effectiveness of programs and hire an evaluator to rate our program and give input as to directions that the program may be able to take in the future.
6. Begin training for peer tutoring by teenagers to assist younger Tribal members with homework, etc.
7. Develop future plans for other programs and options.

10. Hood Canal and Shelton

1. As needed Basis: planning services, incidents concerning Tribal members, developed some joint projects (Unity Compact for Reading and Reading Readiness).
2. Student Behavior / Teacher Behavior
Students success, and better ways to help them learn.
3. 1-School Administrators
2-School Board members
3-Teachers
4. Relations are sometimes fair and sometimes good. Effort is being made on both sides.
5. No
6. Unity Agreement (see file)
7. Would like them (school districts) to recognize and address racism as it is exhibited, rather than maintaining status quo. Would also like to see more Native people hired to teach our children.
8. Trained teachers. General racism, lack of training and information (e.g. Treaty Rights and Makah Whaling etc.)
9. Understanding and recognition of tribal sovereignty, and treaty rights.
11. No
12. Yes, but does not directly include the school districts. (see file)
13. andreat@hctc.com

MEMORANDUM OF AGREEMENT
BETWEEN THE
SKOKOMISH INDIAN TRIBE
AND THE
HOOD CANAL SCHOOL DISTRICT
AND THE
OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
RELATING TO THE
UNITY PROJECT (NATIVE AMERICAN)

COPY

PREAMBLE

WHEREAS, the SKOKOMISH INDIAN TRIBE is a federally recognized Indian Tribe located on the Skokomish Indian Reservation, Mason County, State of Washington, organized pursuant to the Constitution of the Skokomish Indian Tribe;

WHEREAS, the Hood Canal School was established in _____ within the interior boundaries of the Skokomish Indian Reservation by the #404 Hood Canal SCHOOL DISTRICT pursuant to Article IX, Section 2, of the Constitution of the State of Washington;

WHEREAS, the OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION was established pursuant to Article III, Section 3, of the Constitution of the State of Washington and is responsible for supervision over all matters pertaining to public schools in the State of Washington;

WHEREAS, pursuant to the Constitution of the Skokomish Indian Tribe, the SKOKOMISH TRIBAL COUNCIL has the authority to consult, negotiate and contract with agencies and officers of federal, state, local and tribal governments; and the responsibility to provide services for the health, education, and welfare of all persons within the tribe's jurisdiction;

WHEREAS, pursuant to Chapter 28A.320 RCW, the #404 Hood Canal SCHOOL DISTRICT possesses all the usual powers of a public corporation and through its board of directors has the authority to determine and adopt written policies for the development and implementation of programs, activities, services, or practices to promote education.

WHEREAS, pursuant to Article III, Section 22, of the Constitution of the State of Washington, the SUPERINTENDENT FOR PUBLIC INSTRUCTION, has the authority to supervise all matters pertaining to the public schools.

WHEREAS, through their respective authorities, Indian tribes, agencies of state government, and school districts may enter into agreements for interlocal cooperation; and

WHEREAS, the Washington State Native American Education Advisory Committee and the Native American Think Tank, created to recommend specific goals and objectives for academic improvement of Indian/Alaskan Native students in the state, have developed the UNITY PROJECT as a model program with the goal that an increase of 25% of all Indian/Alaskan native students in seven (7) "target" schools will read at or above grade level by 2002, beginning with the 1998/99 Kindergartners as the first group.

I. RECITALS

IT IS MUTUALLY RECOGNIZED by the Skokomish Indian Tribe (TRIBE), the #404 Hood Canal School District (SCHOOL DISTRICT), and the Office of Superintendent of Public Instruction (SUPERINTENDENT):

- A. Children need knowledge and need to develop skills in reading, math, and other subject matter so that they can be free to build their lives, becoming responsible members of their communities, and contributing to their own economic well-being and to that of their families and communities, and enjoying productive and satisfying lives regardless of what path they choose to take.
- B. Only twenty percent (23.6%) of Indian/Alaskan Native students in the State of Washington met the standards on the first WASL test, indicating the continued marginalization of Native American students and demonstrating the need to prevent further marginalization.
- C. The TRIBE, the SCHOOL DISTRICT and the SUPERINTENDENT need to better address the academic preparation and cultural needs of Indian/Alaskan Natives by focusing on high quality reading programs that will impact all elements of a child's education, particularly at an early age.
- D. The Unity Project presents a unique opportunity for collaboration between tribal councils, school districts, local communities, parents, and extended families to participate and create a positive outcome for Indian/Alaskan Native students, beginning with children in kindergarten through third grade. The project will also focus on early literacy (birth to four).
- E. The TRIBE, the SCHOOL DISTRICT, and the SUPERINTENDENT need to better address community and family involvement. The Unity Project will help develop a model for involving communities and families in the education of their children.

NOW THEREFORE, IN THE SPIRIT OF COOPERATION AND MUTUAL SUPPORT, this Memorandum of Agreement is made by and between the TRIBE, the SCHOOL DISTRICT and the SUPERINTENDENT (collectively referred to herein as the "parties") do mutually agree to the following:

II. PURPOSE

The purpose of this Memorandum of Agreement is to implement the Unity Project in the Hood Canal School located near the Skokomish Indian Reservation with the goal that an increase of 25% of all Indian/Alaskan native students will read at or above grade level by 2003, beginning with the 1999/2000 Kindergartners as the first group.

III. ORGANIZATIONAL STRUCTURE

The Unity Project shall be organized and implemented as follows:

- A. Liaison: The parties agree to appoint by consensus a volunteer or paid Liaison for the Unity Project at the Hood Canal School. First preference in the appointment of the Liaison will be given to Skokomish tribal members, a second preference to members of other federally recognized Indian tribes. The duties of the Liaison shall be as follows:
1. Meet all of the directives of the Unity Project including enhancing the oral and reading development for children ages K-3 who are participants in the project.
 2. Liaison among the Tribe, School district, Community, and Unity Project, including facilitation family involvement in school activities
 3. Advocate for students, matching teaching styles with student learning styles
 4. Provide an annual report to the Council on the Unity Project

C. Role of the TRIBE: The TRIBE agrees to accept the following responsibilities in the organization and implementation of the Unity Project:

1. Coordinate services through the appropriate Departments
2. Be supportive of hiring a Liaison, including support to the District and Hood Canal School's efforts to open the school to the community
3. Staff members who volunteer one hour a week to read with students in the classroom
4. After school tutoring and summer school program
5. Head Start pre-literacy activities and transition program
6. Support Compact for Literacy which will promote reading for children K - 3.
7. Provide Twana language classes in the school

D. Role of the SCHOOL DISTRICT: The SCHOOL DISTRICT agrees to accept the following responsibilities in the organization and implementation of the Unity Project:

1. Support and work in coordination with the home-school liaison and tribal community in helping to increase parent involvement in the children's education.
2. Create an atmosphere within the school, where parents and community members feel comfortable coming into the building. Provide and offer more community events and programs to draw the community into the school.
3. Promote opportunities for families to learn how to help their children succeed in school and for the staff to work more closely with the families including using the Compact for Literacy, which supports reading in children K - 3.
4. Provide uses of school space to welcome parents and encourage community members to come into the school. This could include space for workshops, GED Classes and use of technology equipment in the evenings.

E. Role of the SUPERINTENDENT: The SUPERINTENDENT agrees to accept the following responsibilities in the organization and implementation of the Unity Project

1. Provide technical or advisory assistance within available resources, and to otherwise encourage the TRIBE and SCHOOL DISTRICT to jointly meet the objectives of this agreement.
2. Provide staff to support the goals and objectives of the Unity Project.

V. MISCELLANEOUS PROVISIONS

- A. Effective Date and Amendment: This Agreement shall be effective when executed by the Chairman of the Skokomish Indian Tribe pursuant to a resolution by the Skokomish Tribal Council, by the Superintendent of the #404 Hood Canal School District pursuant to a resolution by the Hood Canal School District Board, and by the Superintendent of Public Instruction. This Agreement may be amended in the same manner.
- B. Duration and Termination: This Agreement shall continue until terminated by either party in writing.
- C. Designated Representatives: The parties shall by written notice to the SUPERINTENDENT designate their respective representatives for coordinating and conducting activities under this Agreements.
- D. Reservation of Rights: Each party to this Agreement reserves all rights, powers, and remedies now or hereafter existing at law, in equity, by statute, treaty, or otherwise, except as specifically agreed herein. Nothing in this Agreement shall be construed to waive or foreclose the exercise of any such rights, powers, or remedies.

TRIBE:

by Maria Bowley, Vice Chair

Date: 8-25-99

Print Name: _____

Title: _____

SCHOOL DISTRICT:

by Richard W. Wagner

Date: August 26, 1999

Print Name: Richard W. Wagner

Title: Board Chair

SUPERINTENDENT OF PUBLIC INSTRUCTION:

by _____

Date: _____

Print Name: _____

Title: _____

Skokomish Education Department

The Education Department's mission is to offer lifelong educational opportunities for all members of the Skokomish Community.

Functional Statement: To achieve our mission we are committed to providing educational programs, information, advocacy and referral, including referral to different forms of financial assistance. We will also provide positive emotional encouragement and support that promotes personal growth, enrichment and empowerment, self-esteem, and pride in our cultural and natural heritage, economic independence and self-sufficiency. We will work in the community to provide educational avenues and to create a more positive environment for life-long learning.

A new Education Center, funded through a HUD Grant, will be supporting educational activities on the reservation. With this grant and matching funds the building will be built by January and will house Head Start, Child Care, After-School Activities including tutoring, GED, Northwest Indian College and The Evergreen State College Reservation Based Program Classes, and Olympic College classes. Supporting those programs will be a child-care program, which will allow parents to more freely participate in educational activities.

The Education Department encourages and supports Tribal and Community members to continue their education, either through job training, vocational skill training, or higher education. This support is provided by assisting students to develop an education plan, based on their goals. We assist with applications, help students develop funding options and provide assistance and advocacy within the educational systems. This support sometimes includes financial assistance for some education and work-related training for Tribal members.

We maintain a learning center where students can do home work including internet research, encyclopedias, and other resource materials. Washington State Library Connectivity Project provides assistance with a computer with Internet access and word processing capabilities, which is available for library patrons. The Microsoft Corporation awarded The Evergreen State College a distance education grant. The site for this grant is the Skokomish Tribal Center. Four computer work-stations with internet access are running. Kirby Stanten, of Yakima decent is the computer Trainer/Technical Assistant. All community members are welcome to use the computer lab. Technical assistance and training are available in the computer lab the following times:

Monday	5:30 - 9 p.m.
Wednesday	5:30 - 9 p.m.
Thursday	5:30 - 9 p.m.
Sunday	1 - 5 p.m.

The Education Department includes the following programs:

Higher Education:

*By Bobbie Bush
Student Services Coordinator*

My position at Skokomish is an exciting and challenging one. Assisting Skokomish Tribal members and members from other American Indian Tribes in applying for the Free Application for Federal Student Aid, Scholarships and Tribal Financial Aid are a small portion of my duties.

In addition, I work with colleges, universities, and other educational institutions to assist Tribal members who attend receive their Federal and Tribal Educational Assistance awards.

There are a lot of little details that are part of the Financial Aid Application process. Obtaining grades, transcripts, scholarship information, and other funding information are other facets of my position.

In collaboration with the Social Services program I assisted with recruiting participants for the "Career, Employment and Job Fair," during the summer of '99. Student advocacy and assistance are also a part of this work, including ensuring students have school supplies at the beginning of the school year. I work with the Head Start Department, Shelton High School and Hood Canal School and assist where needed, when time allows. In collaboration with the Vocational Rehabilitation Program, the Health Department, and General Assistance, we have identified alternate in-house and community based educational funding for several Tribal members.

Coordination of several classes has included Computer Skills class and Goeduck Certification classes.

Primary and Secondary Education

At the Grade and Middle School level students are monitored, supported, and tutored by our Education Specialist who also monitors Shelton High School students. The Education Specialist also works with Indian Parent Education Committee who provides input into the policies, curricula, and programs. Programs include the Washington Reading Corps where students are able to read in an encouraging and supportive environment with volunteers from the community. We are in the process of developing a Unity Project through OSPI, through an agreement with the Educational School District #404 Hood Canal, Hood Canal School, and the Tribe, which will provide early oral development skills and reading for children grades Kindergarten through 3rd. Tutoring at Hood Canal School is also provided for Skokomish children including grade school, middle school and high school ages. Summer school is provided for grade and middle school students.

Vocational Rehabilitation:

Mission Statement:

To assist Native American people with disabilities in making choices that encourage the achievement of gainful employment while promoting personal empowerment, independence, and integration into family, community and workplace with respect to individual, cultural and traditional values.

Vocational Rehabilitation Grant through SPIPA, provides assessment, vocational planning, and training opportunities for Native American people with disabilities who live on or near the reservation. These services are available for ages 16 through adulthood.

Child Care:

The goal is to provide safe and affordable Child Care for community children. We are developing plans to provide a Head Start wrap-around program for those families who need them, by Spring, 2000. In-home services are currently being provided and other center based programs will be developed.

Head Start Program

The mission of the Head Start program is to provide activities for children and families which provide for social, intellectual emotional and mental wellness with the partnership of parents, staff, community member and elders.

Goals

1. To provide a safe, nurturing and loving environment for children to learn and grow.
2. To work with family and community partners to ensure effective resources for children and families.
3. To provide training to staff community and parents on issues related to families, health and career development.
4. Implement activities which encourage and involve parent in shared governance via training, policy council, community needs assessment, parent involvement and annual self-assessment.

Scope of work

The Skokomish Head Start Program serves 40 low income and age eligible children and their families by providing the following services:

- Preschool classes, Monday through Thursday
- Transportation to and from school
- Parent and staff training
- Cultural curriculum
- Nutrition and meal service: 2 snack and 2 meals per day.
- Health, dental and educational screening and health assessments
- Parent involvement, including monthly family days
- Family support via social and mental health services
- Develop family and Community Partnerships
- Collaboration with Child Care and Hood Canal School

10. North Kitsap (primarily)
 1. As needed: Our regular meeting is slated for once a year. Currently we are in a phase where we are talking on a monthly basis.
 2. Numerous issues have arisen. We are concerned about the high number of Suquamish children placed in special education and assistance. There is a high drop out rate that is not as high as national average, but is much higher than non-Indians. Racism is an on going problem. Although it is usually subtle in form, it is very damaging to our children.
 3. School Administrators
Educational Service District Personnel
 4. Poor with teachers. Fair with Administrators. The former administrator could, not have cared less about our children or any problem based on special need. The current administrator appears to be concerned with equity and has made significant changes.
 5. No
 6. Yes. Will send by mail.
 7. We need to form a parent committee which meets regularly, and becomes skilled in conflict resolution and is a presence at the grade school, and junior high / high school. Their ITPEC has become much more proactive, but was stifled for years by the lack of communication between members. The district was so busy arguing their side; they never listened to the complaints or solutions to problems.
 8. The director of NAE, the assistant superintendent, and the former superintendent were not willing to genuinely discuss, implement, assess, or evaluate the Tribes' NAE program. They were too busy with other projects, or were not interested in the program. There was an "appearance" of involvement by providing funding and a program, yet there was no dialogue or exploration of solutions.
 9. How to train parents / tribes to be proactive in dealing with educators. It is important to know how to "speak the language", because language can be a barrier when negotiating. Often times both sides have stereotypes and frustrations with each other that arguments occur against "mind sets" rather than actual issues.

11. Yes. The distribution of funding is not equitable in our school district. We need to address each concern of populations in each school building and then fund programs. Some buildings require more staff, due to social problems \ poverty levels of students not head counts.
12. No. We are in the process of development.
13. cpurser@suquamishs.n.s.us

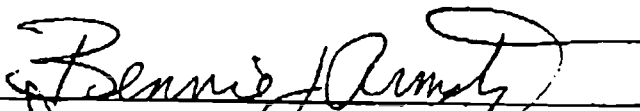
Agreement between the North Kitsap School District and the Suquamish Tribe of the Port Madison Indian Reservation for the delivery of services to Native American students under provisions of the Johnson O'Malley Program (JOM).

The North Kitsap School District (hereinafter referred to as "the District") and the Suquamish Tribe of the Port Madison Indian Reservation (hereinafter referred to as "the Tribe") enter into this agreement. This agreement states the intent of the District and the Tribe to work together to address the educational needs of tribal students and to improve the academic performance of those students as they participate in the District's programs. The agreement specifically addresses the services to be provided under provisions of the Johnson O'Malley program. The District and the Tribe agree that the terms of the agreement shall be followed in light of their respective educational responsibilities and legal commitment to tribal students.

1. In contracting with the Tribe for Johnson O'Malley Program funds, the District agrees to maintain compliance with all requirements of the JOM Program, including appropriate record keeping, financial accounting and reporting procedures.
2. The Port Madison Indian Reservation JOM enrollment count will include all Suquamish other Tribally enrolled students within the North Kitsap School District, excluding the Port Gamble S'Klallam and other tribal students residing upon the Port Gamble S'Klallam reservation. The District will maintain appropriate documentation on student eligibility for JOM enrollment and make such information available to authorized Tribal representatives, upon request.
3. The District will complete objectives and activities in the 2000 calendar year as specified in the JOM Native American Students Education Services Plan. The JOM Native American Students Education Plan is attached hereto and incorporated herein as is set forth in the contract.
4. The JOM Students Education Plan requires qualified students to receive fee assistance for classroom and other related school activities. The Tribe will provide the District with a list or definition of the eligibility requirements to carry out this objective.

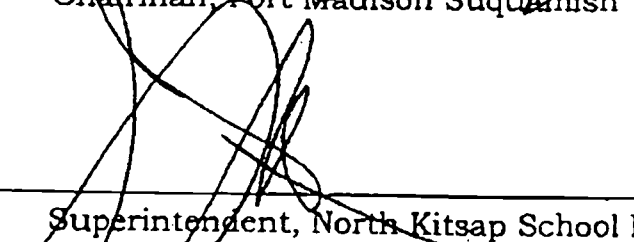
5. The District will meet trimesterly with authorized Tribal representatives, to review the activities funded by JOM Program monies and, as mutually agreed, revise such activities as needed and approved by appropriate District, Tribal administrators and the Inter-Tribal Parent Education Committee.
6. The District will collect and report data required evaluating the success of stated JOM Program objectives and meeting with Tribal representatives in August of 2000. Such data will be presented to District and Tribal governing bodies and shall include recommendations for improvement of services.
7. The District agrees to assist the Tribe in developing a written plan, including objectives, activities, timelines and evaluation strategies for delivery of JOM Program services to Native American students for the 2001 calendar year. Said plan shall be developed by December 15, 2000.
8. This agreement is effective beginning January 1, 2000 and shall remain in effect until January 30, 2001.
9. Provided that the grant award has been received by the Tribe, the Tribe agrees to make payments to the District within thirty (30) days of receipt of billings and to complete payments totaling \$16,907.00 to the District by August 31, 2000.

The signees below are authorized to agree to the terms of the agreement, and to bind the respective party to the terms contained within.



 Chairman, Port Madison Suquamish Tribe

1-5-00
 Date



 Superintendent, North Kitsap School District

1/13/00
 Date

**Native American Students Educational Services Plan
(Johnson O'Malley Program)
Suquamish Tribe 2000 Calendar Year Plan**

For those program priorities to be addressed describe the specific student objectives to be evaluated and achieved, the project activities to be accomplished, and their scheduled time-frame.

Student Outcome	Program Activities	Timelines
1. 25% of Suquamish students in grades 4-12 will demonstrate improvement in assignment completion, and class participation, based on grading periods during the 1999-2000 school year.	1.1 Assess level of assignment completion and class participation. 1.2 Track and reward assignment completion. 1.3 Send assignment completion rates by grade and school to Tribe for review.	All Year All Year Quarterly or Trimesterly
2. 100% students in grades K-12 will have the opportunity to receive tutorial or support services in core subjects (math, reading, history, science and English).	2.1 Staff, parents and teachers will identify students in need of assistance. 2.2 Contact students. 2.3 Conduct tutor sessions according to individual student needs, up to daily. 2.4 Assess student growth	January – December January – December January – December End of each grading period.
3. Provide 100% students K-12, with fee assistance for classroom and other related school activities, as needed and funds are available.	3.1 Receive request from student, teacher, parent or staff member. 3.2 Determine student eligibility for service. 3.3 Provide assistance to approved request.	Ongoing throughout year January January - November
4. Provide incentives for all Suquamish and other tribal students for attendance, assignment completion, GPA, and behavior.	4.1 Notify students of opportunity. 4.2 Develop criteria, inform parents and students. 4.3 Reward students 4.4 List students in Tribal newsletter as appropriate.	January – December January – December January – December All Year
5. All 8 th grade students and their parent(s) will understand the process of earning credits to meet graduation requirements, calculating G.P.A. and making post-high school plans, by participating in counseling sessions.	5.1 Train Native American staff. 5.2 Make graduation requirement and college entrance information available to all grade levels. 5.3 Schedule and hold conferences.	March – May March – May April – May

10. La Conner School District
 1. Regular monthly meetings on program and student issues as well as regular meetings between policy makers.
 2. Financial and policy issues, program development, service evaluations, and student progress have all been discussed.
 3. Teachers, Counselors, School Administrators, and School Board Members.
 4. Excellent
 5. Yes. Pre-School service agreement between LaConner School District, Swinomish Tribe, and Skagit Valley College Head Start.
 6. N/A
 7. More direct and consistent policy level meetings. Better analysis of effective intervention strategies for "non" or low achieving middle school and high school students.
 8. Cultural sensitivity training would assist, as well as more in-school staff training on different learning styles.
 9. See #8.
 11. No
 12. No
 13. jstephens@swinomish.nsn.us

**Cooperative Agreement
Between
Skagit/Islands Head Start
Swinomish Tribal Community
LaConner Public Schools**

PURPOSE: To collaborate in the provision of early intervention services for 40 children 3-5 years of age and their families who reside in the LaConner Public School District. Of these families, 26 will meet Head Start eligibility, and up to 14 additional children will represent preschool children with special needs, School District 874 children and fee for service children.

The above named agencies agree to provide the same level of services to all children and families in the preschool program to the largest extent possible, within the constraints of each funding source.

CALENDAR YEAR and HOURS OF OPERATION:

1. The preschool program schedule will reflect the same holiday pattern as the LaConner schools.
2. The Head Start Center Manager will facilitate regularly scheduled meetings for planning and coordination of hours of operation and staff schedules with all preschool staff.

ADMINISTRATION: To communicate and share information about children, families, agency policies and services.

1. On the second and fourth Friday of each month during the program year an Interagency Team meeting will be held to discuss and coordinate services to children and their families. The Interagency Team will include, but will not be limited to, District Specialists, Head Start staff and Tribal staff.
2. Head Start, District, and Tribal Administrators will meet on a mutually agreed upon schedule to discuss long range plans for expansion, coordination of services, and collaborative decision-making on any changes in staffing patterns or hiring of new staff.
3. The Head Start Center Manager will be regarded as the coordinator of the preschool program, and will coordinate any other needed interagency meetings or communications, with input from all preschool staff.

SUPERVISION: To clarify the formal and informal supervision of staff in the preschool program.

1. Functional, day-to-day supervision of all preschool staff is the responsibility of the Head Start Center Manager for the purposes of temporary changes in job responsibilities. These may occur, due to temporary circumstances in the center (absent staff, work on special projects, specific and temporary needs of

- a child, emergency situations, etc.). Any changes in staff responsibilities that are not immediate or temporary in nature will be coordinated with each staff person's respective supervisor.
2. The LaConner School District Special Education Director supervises the District preschool special services teacher and classroom instructional assistants.
 3. The Head Start Program Manager supervises the Head Start Center Manager.
 4. The Center Manager supervises preschool staffs who are funded by the Head Start program.
 5. The appropriate Swinomish Tribe Staff person will supervise any employees who are provided to the preschool program by Tribal programs.

STAFFING COMMITMENTS:

Head Start will:

1. Provide a Center Manager at 40 hours a week to oversee the preschool program and to teach the morning preschool class.
2. Provide a Center Teacher at 35 hours a week to oversee the afternoon classroom, assist in the morning classroom, and assist in overall center operations.
3. Provide 2/3 funding and hiring of a Family Services Specialist at 35 hours a week to provide family support services to families of the preschool children.

Swinomish Tribe will:

1. Provide funding for 1/3 of the Family Services Specialist for services to non-Head Start tribal children and families.
2. Provide daily janitorial services and maintenance for the early childhood program.
3. Coordinate with the Center Manager regarding any possible placement of tribal employees through job training programs or other tribal programs.

La Conner School District will:

1. Provide one classroom assistant to work 32 hours a week. Responsibilities include food preparation, clean-up and classroom cleanliness.
2. Provide a full-time Special Education Teacher to co-teach in the morning and afternoon preschool classrooms and to oversee special education IEPs and lead the team in meeting IEP goals and objectives.
3. Provide toddler services through the Special Education Teacher three days a week for 1 and ½ hours in the morning. During this time the Center Teacher will provide classroom support in the preschool program.
4. Provide home visits to the families of children receiving special education services.

EVALUATION: To have joint evaluation of program and staff.

Program: To evaluate program effectiveness.

1. Skagit/Islands Head Start will involve representatives from all three programs in the annual self-evaluation process. Results will be shared with administrators and staff from all three programs.
2. Any proposal for additional evaluation of the program will be first shared with the administrators of each agency so that respective agency's policies regarding confidentiality or other considerations can be addressed.

Staff: To evaluate staff performance in accordance with each agency's policies and procedures.

1. Each preschool staff person will be evaluated in accordance with the personnel policies and procedures of the agency for which that person works.

CURRICULUM AND INSTRUCTION PLANNING: To effectively plan curriculum and instruction that will address each program's goals and mission within the context of the collaborative preschool.

1. The Head Start Center Manager will facilitate regular curriculum and instruction planning to assure the incorporation of program goals as well as individual goals for all of the children.
2. The LaConner School District Teacher will provide guidance at these regular meetings regarding the specific needs of and instructional strategies for children with IEP goals and objectives.
3. Planning and implementation of the emergent literacy curriculum, as coordinated with the LaConner school district Open Court curriculum, will be the joint responsibility of the School District Teacher, Head Start Center Manager and Head Start Center Teacher.
4. Documentation of progress on Individual Family Service Plans and Individual Learning Plans will be a collaborative effort between the School District Teacher, Head Start Center Manager and Head Start Center Teacher.

STAFF TRAINING: To assure access to training for all program staff.

1. Each agency will notify the others of upcoming training events.

PARENT EDUCATION AND ACTIVITIES: To assure that parent education opportunities are offered to the families of all children enrolled in the preschool.

1. The Head Start Center Manager will facilitate joint planning for parent education and activities, using resources available from each of the programs.

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REFERRALS: To assure that enrolled children are referred to needed services in a timely manner.

1. The Interagency Planning Team will develop a written procedure regarding referrals for Special Education, Child Abuse and Neglect and other community services.
2. The procedure is to be reviewed and approved by each program administrator.

TRANSPORTATION: To assure that all children are transported by a single system.

1. LaConner Public Schools will transport all children using the public school buses.
2. The Head Start Center Manager and LaConner School Superintendent will negotiate transportation schedules and routes, then provide this information to staff and to the Swinomish Tribal Social Services Director.

MEALS: To provide all children with lunch and snack.

1. The La Conner Public Schools will provide lunch through their central kitchen. They will provide additional dishes and silverware and will provide the hot and cold carries for food transportation.
2. The Swinomish Tribe Social Services will assist in documenting USDA eligibility for tribal member families.
3. The Head Start program will work out reimbursement for food services and USDA record keeping with the LaConner Schools.
4. The Head Start Center Manager will be responsible for breakfast and snack menus and food ordering, with input from other staff.

SUPPLIES: To cooperate in the ordering of supplies.

1. Each agency will label their own equipment and maintain their own inventory list. New non-consumable equipment will be labeled and listed by the purchasing agency.
2. The Head Start Center Manager will coordinate communication between staff from all agencies so that supply orders are done in a way that prevents duplication of supplies.

This agreement is for the time period of September 1, 1990 to August 31, 2000.

Skagit/Islands Head Start
Skagit Valley College
2405 E. College Way
Mount Vernon, WA 98273
(360) 416-7590

Margy Miller
Margy Miller
Head Start Director

Date: 9/20/99

Swinomish Tribal
PO Box 817
LaConner, WA 98257
(360) 466-3163 ext. 209

John Stephens
John Stephens
Director of Social Services

Date: 10/1/99

La Conner Public Schools
307 6th Ave.
La Conner, WA 98257

Tim Bruce
Tim Bruce
Superintendent

Date: Oct. 18/99

10. 27 School Districts throughout Washington and Oregon.
1. Both
2. Inadequate funding issues, and negative attitudes on the part of non-Indian school administrators, teachers and school boards.
3. Teachers, Counselors, School Administrators, Educational Service District Personnel, and School Board Members.
4. Poor with the Yakama and White Salmon school districts. Fair with The Dalles school district. Good with all the other school districts.
5. No, it is not needed.
6. No, they are not needed.
7. Would like to have more one to one meetings with school district administrators, and teachers to help them have a better understanding of and more sensitivity towards Indian culture.
8. Negative responses form the non-Indian world. The non-Indian world expects Indians to learn the ways of their world, yet are not interested in learning about Indian culture.
9. Anything and everything.
11. Need to get out of TPA to function in earnest. Inadequate funding has the tribe stuck at the 1995 level with year 2000 demands. Also would like to see this survey expanded beyond ATNI member tribes to include state education programs in Washington, Oregon, Montana and Idaho.
12. No
13. No

Contact List for Year 2000 Best Practices Profiles

Skokomish Indian Tribe: Unity Project

Andrea Tamburro, Director of Education

Phone: 360-426-4232 ext. 201

Chippewa-Cree Tribe: Parent Institute

Louise Stump, Stone Child College

Phone: 406-395-4313

Kalispel Tribe: Intro to Indian Studies

Dave Bonga, In House Council / Planning, Education, and Research Director

Phone: 509-456-0799

Conf. Tribes of Grand Ronde: American Indian Leadership Academy

Lisa Leno, Youth Education Supervisor

Phone: 800-422-0232

Potential Best Practices Models

- Squaxin Island Tribe's Casino sponsors Hood Canal School District to provide daily newspapers to the classrooms.
- Warm Springs Language Charter School Project
- Partnership between NWREL, OSPI, and Heart Butte School (Montana) has Golden Triangle Curriculum Consortium with Tribal Education Department.
- Shoshone-Bannock High School has a Science Project and Arts Program.
- Blackfeet Tribe lets staff off to volunteer in school.
- Siletz School has Science Program.
- Swinomish Tribe has a successful Birth to 5 year old Program.
- Wellpinit School District on the Spokane Reservation has a school –wide project which has received Exemplary Award from the Native American Scholarship Fund of Albuquerque, NM.
- Port Gamble S'Klallam Tribe and North Kitsap School District are addressing Office of Civil Rights findings through a MOA addressing special needs for tribal students.

THE NATIVE AMERICAN RIGHTS FUND

1506 Broadway
Boulder, CO 80302
(303) 447-8760 Fax: 303/443-7776

INDIAN EDUCATION LAW MATERIALS

Under its Indian Education Legal Support Project, "*Tribalizing Indian Education*," the Native American Rights Fund (NARF) has developed the following sets of materials on Indian Education Law:

1. *Presentation/Workshop Materials (October 1993; updated October 1995)*, also known as "The Yellow Book." These materials focus on tribal rights under selected federal Indian education laws.
2. *Draft Materials for Tribal Governance in Education (October 1994)*, also known as "The Red Book." These materials provide draft tribal education laws and education plans.
3. *Compilation of State Indian Education Laws (October 1997)*, also known as "The Blue Book." These materials are a compilation of the education laws of 34 states, organized by subject areas such as curricula, scholarships, and staffing. (Index to Blue Book available in hard copy only)
4. *Cooperative Agreements in Indian Education (October 1998)*, also known as "The Green Book." These materials are a compilation of several cooperative agreements among federal, public, and tribal schools.
5. *** NEW *** *Federal and State Laws regarding Tribal Education Departments, 1984 - 1999 (October 1999)*, also known as "The Orange Book." These materials set forth a dozen federal and state statutory provisions on tribal education departments, and detail their legislative history.

Indian Education Law Materials are available in two ways:

- I. NARF's Web Site - On the Internet, open <http://www.narf.org/> and select "National Indian Law Library" from the main page. Then click on "Resources," then click on "Tribalizing Indian Education." Instructions for viewing/downloading documents are contained on the web page. (You can also access the materials directly by opening: <http://www.narf.org/nill/resources/education/educationlaw.htm>).
- II. Purchased through NARF's National Indian Law Library. Order information contained on other side.

**THE NATIVE AMERICAN RIGHTS FUND
INDIAN EDUCATION LAW MATERIALS**

Order Form

Send purchase requests, along with pre-payment, to: **The National Indian Law Library**
1522 Broadway
Boulder, CO 80302
(Allow three to four weeks for shipping)

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| 2. _____ | Red Book(s) (draft tribal education laws) | | |
| _____ | Hard Copy (\$5.00) | _____ | 3 1/2" Diskette (\$3.00) |
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| 3. _____ | Blue Book(s) (state Indian education laws) | | |
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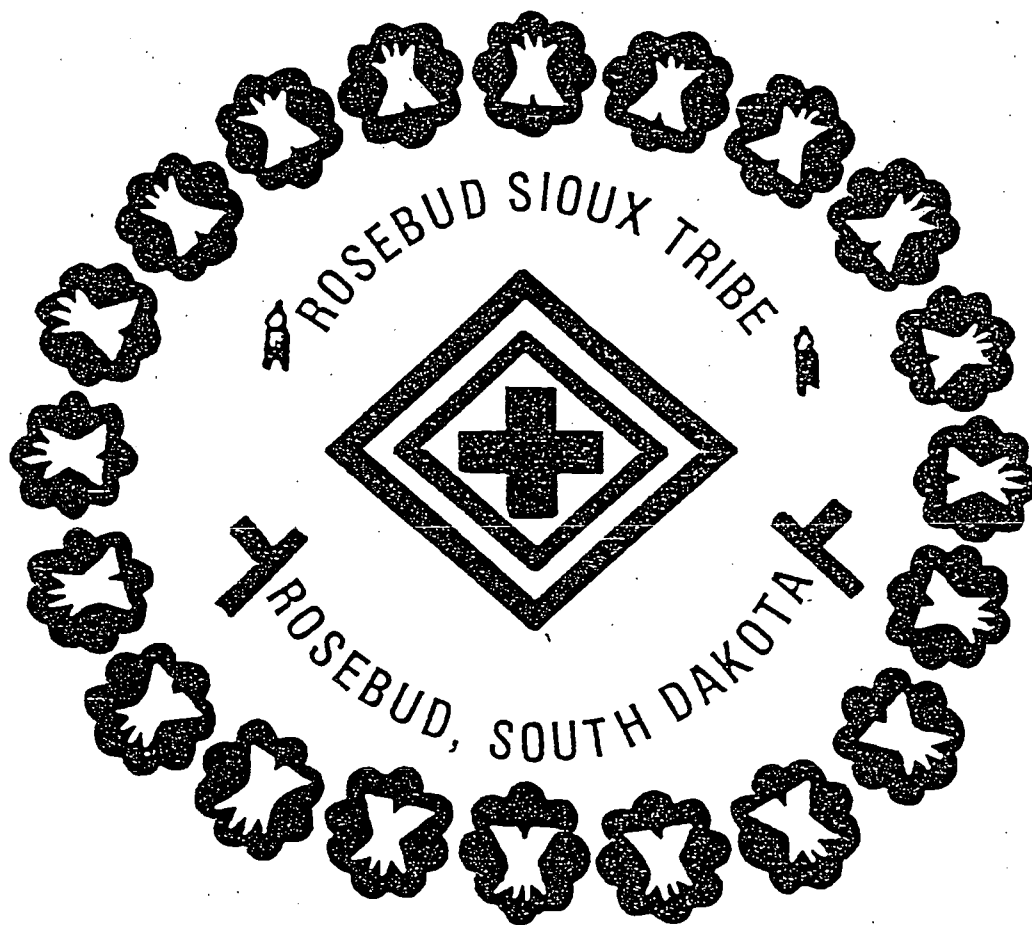
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Rosebud Sioux Tribe



Code of Education

ROSEBUD SIOUX TRIBE EDUCATION CODE.

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ROSEBUD SIOUX TRIBE EDUCATION CODE
GENERAL

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

Section 102. Authority of the Tribal Government

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

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

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

(1)

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

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

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

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

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

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

(3)

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

(4)

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

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

Section 104. Definitions

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

- (a) Alcohol, nicotine or tobacco, and drugs. "Alcohol, nicotine or tobacco, and drugs" mean any substance which may alter the sensorium, including alcoholic drinks, nicotine, tobacco and tobacco related products, drugs regulated by or controlled under federal or tribal law, and other substances which may result in temporary or permanent loss or diminution in judgment, perception, or coordination.
- (b) Charter or Chartered. "Charter" or "chartered" means chartered by the Tribal Council under the Tribal Constitution.
- (c) Code. "Code" means the Education Code of the Rosebud Sioux Tribe.
- (d) College. "College" means Sinte Gleska College.
- (e) Culture. "Culture" means shared patterns of human behavior adopted by a group of humans in order to survive as a people, including but not limited to (1) interpersonal and kinship relationships with all living beings; (2) spiritual relationships; (3) values, assumptions, rules, and attitudes; (4) language; (5) social and individual development processes; and (6) acquisition and use of knowledge.
- (f) Curriculum. "Curriculum" means any planned education experience provided for students.

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

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

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

Section 105. Construction of Tense Used. In construing the provisions of this Tribal Education Code, the present tense includes the past and future tenses, and the future tense includes the present.

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

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

Section 108. Severability. If any part of this Tribal Education Code is invalidated by a court of competent jurisdiction, all valid parts that are severable from the invalid part remain in effect. If a part of the Code is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

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

TRIBAL EDUCATION DEPARTMENT

Section 201. Tribal Council

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

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

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

Section 202. Tribal Education Department

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

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

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

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

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

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

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

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

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

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

(17) Develop advisable rules. Develop and recommend to the Tribal Council such rules or action as he deems advisable for the condition, needs, and progress of students and the improvement of education on the Reservation; provided, that such rules and action are ineffective unless and until adopted by the Tribal Council unless the Council otherwise provides. The Tribal Council may delegate rule-making authority to the Director as it deems necessary, and upon proper delegation, the Director may exercise that authority in a manner not inconsistent with this Code or other tribal law or federal law.

(d) Department Budget Preparation and Fiscal Management Responsibility.

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

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

SCHOOL BOARDS AND GOVERNING BODIES

Section 301. School Boards

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

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

Section 302. Governing Bodies of Other Educational Institutions

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

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

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

CURRICULUM AND EDUCATION STANDARDS

Section 401. Curriculum

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(a) Procedures for developing tribal curriculum. In developing tribal curriculum, the Tribal Education Department shall:

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

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

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

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

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

Section 402. Education Standards

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

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

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

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

EDUCATIONAL POLICIES AND PROGRAMS

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

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

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

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

- (1) Review the current policies and programs of local schools and other educational institutions. Review the current policies and programs of local schools and other educational institutions. Such review may be conducted independently by the Department, or the Department may participate in the established processes of local schools and other educational institutions for reviewing their policies and programs;
- (2) Review national policies, studies, and reports. Review current national policies, studies, and reports on alcohol, nicotine or tobacco, and drug abuse, particularly alcohol, nicotine or tobacco, and drug abuse by youth and Indian youth;
- (3) Consult with educators, community members, parents, and students. Consult with and obtain the comments of educators, community members, parents, and students;
- (4) Coordinate with school boards and governing bodies. Coordinate and consult with school boards and the governing bodies of other educational institutions;
- (5) Draft tribal policies and programs. Draft tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs consistent with the policies and programs of local schools, South Dakota law, and tribal law; provided, that to the extent tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs conflict with the policies and programs of local schools or with South Dakota law, the tribal policies and programs shall govern.

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

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

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

Section 502. Parental and Community Involvement

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

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

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

EDUCATORS

Section 601. Educators.

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

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

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

INDIAN PREFERENCE

Section 701. Indian Preference

- (a) Tribal Council and Tribal Education Department to apply Indian preference. In implementing this Tribal Education Code, the Tribal Council and the Tribal Education Department shall apply Indian preference in the hiring, training, retention, and promotion of all staff, personnel, consultants, and contractors.
- (b) Local schools and other educational institutions to apply Indian preference. Local schools and other educational institutions shall apply Indian preference in the hiring, training, retention, and promotion of all personnel, including but not limited to educators and support personnel; provided, that nothing in this section prohibits or limits the application of other tribal Indian preference laws.
- (c) Local schools and other educational institutions to report compliance with Indian preference. Local schools and other educational institutions shall annually report compliance with the provisions of this Code on Indian preference to the Tribal Education Department.

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

CHARTERED EDUCATIONAL PROGRAMS AND CHARTERED SCHOOLS

Section 801. Chartered Educational Programs and Chartered Schools.

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

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

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UNITED STATES CODE ANNOTATED
TITLE 20. EDUCATION
CHAPTER 70--STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY
SCHOOLS
SUBCHAPTER VIII--IMPACT AID

§ 7704. Policies and procedures relating to children residing on Indian lands

(a) In general

A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 7703 of this title shall establish policies and procedures to ensure that--

- (1) such children participate in programs and activities supported by such funds on an equal basis with all other children;
- (2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;
- (3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;
- (4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and
- (5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.

UNITED STATES CODE ANNOTATED
TITLE 25. INDIANS

§ 231. Enforcement of State laws affecting health and education; entry of State employees on Indian lands

The Secretary of the Interior, under such rules and regulations as he may prescribe, shall permit the agents and employees of any State to enter upon Indian tribal lands, reservations, or allotments therein (1) for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or (2) to enforce the penalties of State compulsory school attendance laws against Indian children, and parents, or other persons in loco parentis except that this subparagraph (2) shall not apply to Indians of any tribe in which a duly constituted governing body exists until such body has adopted a resolution consenting to such application.

§ 452. Contracts for education, medical attention, relief and social welfare of Indians

The Secretary of the Interior is authorized, in his discretion, to enter into a contract or contracts with any State or Territory, or political subdivision thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the agencies of the State or Territory or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory.

§ 2010. Uniform direct funding and support

(c) Use of self-determination grants funds

Funds for self-determination grants under section 450h(a)(2) of this title shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and the development of tribal codes of education from funds appropriated pursuant to section 450h(a) of this title.

COLORADO REVISED STATUTES ANNOTATED

TITLE 22. EDUCATION

SCHOOL DISTRICTS

ARTICLE 32. SCHOOL DISTRICT BOARDS--POWERS AND DUTIES

§ 22-32-122. Contract services, equipment, and supplies

(1) Any school district has the power to contract with another district or with the governing body of a state college or university, with the tribal corporation of any Indian tribe or nation, with any federal agency or officer or any county, city, or city and county, or with any natural person, body corporate, or association for the performance of any service, including educational service, activity, or undertaking which any school may be authorized by law to perform or undertake. Such contract shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial or otherwise, of the parties so contracting and shall provide that the service, including educational service, activity, or undertaking be of comparable quality and meet the same requirements and standards as would be necessary if performed by the school district. A contract executed pursuant to this section may include, among other things, the purchase (outright or by installment sale) or renting or leasing, with or without an option to purchase, of necessary building facilities, equipment, supplies, and employee services. Any state or federal financial assistance which shall accrue to a contracting school district, if said district were to perform such service, including educational service, activity, or undertaking individually, shall, if the state board finds the service, including educational service, activity, or undertaking is of comparable quality and meets the same requirements and standards as would be necessary if performed by a school district, be apportioned by the state board of education on the basis of the contractual obligations and paid separately to each contracting school district in the manner prescribed by law.

FLORIDA STATUTES ANNOTATED

TITLE XIX. PUBLIC BUSINESS

CHAPTER 285. INDIAN RESERVATIONS AND AFFAIRS

285.18. Tribal council as governing body; powers and duties

(1) The respective governing bodies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians recognized by the United States and organized pursuant to the provisions of the Act of June 18, 1934, 48 Stat. 987, 25 U.S.C. s. 476 shall be the respective governing bodies of the special improvement districts created by s. 285.17.

(2) The governing bodies of the special improvement districts shall have the duty and power:

(a) To plan, contract for, and implement programs for the benefit of their members in law enforcement, education, housing, health care, and other social services, which shall include, without limitation, delivery of health services, workforce training, child services, and other programs to improve the health, economic, and educational opportunities of its members.

(b) To contract with the district school board of any district adjoining the local school district, when deemed necessary by the tribal council, to provide public education and educational programs for their members, notwithstanding the provisions of s. 230.23 that authorize school boards to establish attendance areas for their districts or approve plans for attendance in other districts.

MAINE REVISED STATUTES ANNOTATED
TITLE 30. MUNICIPALITIES AND COUNTIES
PART 4. INDIAN TERRITORIES
CHAPTER 601. MAINE INDIAN CLAIMS SETTLEMENT
§ 6214. Tribal school committees

The Passamaquoddy Tribe and the Penobscot Nation are authorized to create respective tribal school committees, in substitution for the committees heretofore provided for under the laws of the State. Such tribal school committees shall operate under the laws of the State applicable to school administrative units. The presently constituted tribal school committee of the respective tribe or nation shall continue in existence and shall exercise all the authority heretofore vested by law in it until such time as the respective tribe or nation creates the tribal school committee authorized by this section.

MINNESOTA STATUTES ANNOTATED
EDUCATION CODE: PREKINDERGARTEN--GRADE 12
CHAPTER 128B. PINE POINT SCHOOL
128B.011. School governance and standards

Subdivision 1. Governance. The care, management, and control of Pine Point school is vested in the White Earth reservation tribal council. The council has the same powers and duties as a school board under chapters 120A to 129C and other provisions applicable to school boards. The tribal council may delegate powers and duties for the operation of the school to the Indian education committee. The committee may exercise powers and duties delegated to it.

Subd. 2. Standards. The school is a public school providing instruction for pupils in kindergarten through the 8th grade. Instruction shall meet the same standards for instruction as are required for other public schools.

Subd. 3. Cooperation with school districts. If the council determines it cannot adequately provide certain services, the council shall purchase or share services with one or more school districts or other provider for instruction, administration, or other requirements of operating the school, including curriculum, teachers, support services, supervision, administration, financial accounting and reporting, and other instructional and noninstructional programs. The council is encouraged to cooperate with school districts to increase and improve instructional and support services available to the pupils in the school.

WISCONSIN STATUTES ANNOTATED
ORGANIZATION OF STATE GOVERNMENT
CHAPTER 15. STRUCTURE OF THE EXECUTIVE BRANCH
SUBCHAPTER II. DEPARTMENTS
15.375. Same; attached boards

(1) American Indian language and culture education board. There is created an American Indian language and culture education board which is attached to the department of education under s. 15.03. The board shall consist of 13 members appointed by the governor for staggered 4-year terms from recommendations made by the various Indian tribes, bands and organizations in this state. The members shall include parents or guardians of American Indian children, American Indian teachers, school administrators, a school board member, persons involved in programs for American Indian children and persons experienced in the training of teachers for American Indian language and culture education programs. Members shall be appointed so as to be representative of all the American Indian tribes, bands and organizations in this state. In addition to its duties under subch. IV of ch. 115, the board shall advise the secretary of education, the board of regents of the university of Wisconsin system, the higher educational aids board and the technical college system board on all matters relating to the education of American Indians. The board does not have rule-making authority.

THE CONSTITUTION OF THE STATE OF MONTANA AS ADOPTED BY THE
CONSTITUTIONAL CONVENTION MARCH 22, 1972, AND AS RATIFIED BY THE
PEOPLE, JUNE 6, 1972, REFERENDUM NO. 68
(As of July 1, 1999)

Preamble

We the people of Montana grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this constitution.

ARTICLE X
EDUCATION AND PUBLIC LANDS

Section 1. Educational goals and duties.

(1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

1999 Montana Legislature

HOUSE BILL NO. 528

INTRODUCED BY C. JUNEAU, S. DOHERTY, D. ECK, B. EGGERS, J. ELLINGSON, D. EWER, E. FRANKLIN, S. GALLUS, K. GALVIN-HALCRO, K. GILLAN, G. GUTSCHE, H. HARPER, J. HURDLE, G. JERGESON, S. KITZENBERG, B. MCCARTHY, L. NELSON, G. ROUSH,

D. SHEA, F. SMITH, E. SWANSON



AN ACT IMPLEMENTING ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION REGARDING THE STATE OF MONTANA'S RECOGNITION OF THE DISTINCT AND UNIQUE CULTURAL HERITAGE OF AMERICAN INDIANS AND THE STATE'S COMMITMENT TO ESTABLISH EDUCATIONAL GOALS THAT WILL PRESERVE THE CULTURAL INTEGRITY OF AMERICAN INDIANS; REPEALING SECTIONS 20-4-211, 20-4-212, 20-4-213, AND 20-4-214, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, as part of the state's educational guarantees, the people of Montana in 1972 included Article X, section 1(2), in the state constitution, recognizing the distinct and unique cultural heritage of American Indians and expressing the state's commitment to preserve that cultural integrity through education; and

WHEREAS, the Legislature recognizes that Article X, section 9(2), of the Montana Constitution provides the Board of Regents with full power, responsibility, and authority to supervise, coordinate, manage, and control the Montana University System; and

WHEREAS, the Legislature also recognizes that Article X, section 9(3), of the Montana Constitution provides the Board of Public Education with general supervision over the public school system and that Article X, section 8, of the Montana Constitution vests the supervision and control of the schools in each school district to the local board of trustees; and

WHEREAS, a 1995 study conducted by the Committee on Indian Affairs, pursuant to Senate Joint Resolution No. 11, revealed that despite the constitution's educational guarantees, many school districts and schools, including those adjacent to Montana's seven Indian reservations, had no policy or information in their school curricula recognizing the cultural heritage of American Indians and that the small number of Indian teachers and administrators in public schools resulted in Indian students with no role models and in a lack of cultural awareness and sensitivity among non-Indian students; and

WHEREAS, the Legislature recognizes that the history of Montana and the current problems of the

state cannot be adequately understood and the problems cannot be addressed unless both Indians and non-Indians have an understanding of the history, culture, and contemporary contributions of Montana's Indian people.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Recognition of American Indian cultural heritage -- legislative intent. (1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.

(2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and

(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of [sections 1 through 3], predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people.

Section 2. American Indian studies -- definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "American Indian studies" means instruction pertaining to the history, traditions, customs, values, beliefs, ethics, and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.

(2) "Instruction" means:

(a) a formal course of study or class, developed with the advice and assistance of Indian people, that is offered separately or that is integrated into existing accreditation standards by a unit of the university system or by an accredited tribal community college located in Montana, including a teacher education program within the university system or a tribal community college located in Montana, or by the board of trustees of a school district;

(b) inservice training developed by the superintendent of public instruction in cooperation with

educators of Indian descent and made available to school districts;

(c) inservice training provided by a local board of trustees of a school district, which is developed and conducted in cooperation with tribal education departments, tribal community colleges, or other recognized Indian education resource specialists; or

(d) inservice training developed by professional education organizations or associations in cooperation with educators of Indian descent and made available to all certified and classified personnel.

Section 3. Qualification in Indian studies -- trustees and noncertified personnel. (1) The board of trustees for an elementary or secondary public school district may require that all of its certified personnel satisfy the requirements for instruction in American Indian studies. Pursuant to Article X, section 8, of the Montana constitution, this requirement may be a local school district requirement with enforcement and administration solely the responsibility of the local board of trustees.

(2) Members of boards of trustees and all noncertified personnel in public school districts are encouraged to satisfy the requirements for instruction in American Indian studies.

Section 4. Repealer. Sections 20-4-211, 20-4-212, 20-4-213, and 20-4-214, MCA, are repealed.

Section 5. Notification to tribal governments, school districts, and university system. (1) The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

(2) The secretary of state shall send a copy of [this act] to the superintendent of public instruction for dissemination to every public school district in Montana.

(3) The secretary of state shall send a copy of [this act] to the commissioner of higher education for dissemination to every unit of the Montana university system.

Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 20, chapter 1, and the provisions of Title 20, chapter 1, apply to [sections 1 through 3].

Section 7. Effective date. [This act] is effective on passage and approval.

- END -

Board of Education

HB 528/Montana History Committee

Report and Recommendations

On September 23, 1999, the Montana Board of Education unanimously approved a motion by Governor Marc Racicot to create a committee to investigate alternatives and make recommendations for the implementation of HB 528, including suggestions concerning the instruction of Montana and American Indian history. In making this motion, Governor Racicot suggested that the committee “put together a concrete, suggested list of approaches” to implement HB 528 and to assure that the intent of Article X, Section 1 of Montana’s Constitution will be met. A committee was formed in October and held an initial planning conference call on December 4, 1999 with a subsequent public hearing on January 24, 2000. Twenty-four individuals, representing various education and Indian organizations, provided oral and/or written testimony during this public hearing, all of which contained recommendations concerning the implementation of HB 528 in Montana (See Appendix A). The committee wishes to thank all those who participated and gave generously of their time and insight.

The committee noted that the objectives of Article X address the political reality of Federal and state promises to American Indian Nations through treaty agreements. As such, American Indians are the only ethnic group to have a political relationship with the United States government and the State of Montana. Clearly, the authors of Article X were aware of the importance of this distinction.

Our committee has not been the first to make recommendations to implement Article X of our Montana Constitution. Previous statewide efforts requested input from various affected citizens and also made recommendations. Prior efforts include:

1973 - Activation of the Indian Studies Law

1975 - Creation of the Indian Culture Master Plan

1990 - Creation of a State plan to implement Article X

1990 - Creation of Opening the Pipeline Program

1997 - Establishment of American Indian Heritage Day

1998 - Review of MIEA Summit document

All of these efforts were ineffectual to one degree or another, which is why we are addressing the issue again. Our review indicated that two main reasons prevented the success of these efforts. The first was there was inadequate funding to carry out the programs to any effective completion. The second was the fact that there was an inadequate oversight mechanism to ensure a viable implementation, accountability, and evaluation of the process.

To effectively oversee the implementation process and to ensure that this latest effort is not added to the long list of well-meaning, but ineffective, proposals, the committee suggests the Board consider

FINAL DRAFT

keeping this committee as an entity to oversee the accomplishment of these recommendations and to report periodically to the Board on their progress. We further recommend the adoption of a resolution to read, The Montana Board of Education fully supports Article X of our Montana Constitution as well as all provisions of HB 528 and enjoins the Board of Regents, Board of Public Education, and Office of Public Instruction to be actively committed in its educational goals to create understanding about American Indian people and their histories, respect for their respective cultures and world views, and an appreciation for one another.

The committee recognizes the proposals we recommend are the minimum needed to implement HB 528, and indeed in some cases may not be sufficient. Each agency (Board of Public Education, Office of Public Instruction, and Board of Regents) has tempered their proposals with the reality of the availability of sufficient funds. The Board of Education may wish to adopt an overall vision which would provide the guidance for the various agencies to approach the legislature to obtain adequate funding to effectively implement these or subsequent recommendations. An active process must be obtained to ensure adequate legislative support.

~~Based largely on the recommendations of these individuals and organizations, the~~ The committee has developed now forwards a series of recommendations ~~that we now forward~~ to the full Board of Education for its review and endorsement. Recognizing that policy alone cannot effectively ensure that Montana is "committed in its educational goals to the preservation of their (American Indian) cultural integrity" we submit the following recommendations with the ~~hope~~ expectation that we ~~may~~ will achieve real progress toward this worthy aspiration.

Recommendations:

I. Agency Policy Statements and Monitoring

- A. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will develop a policy statement and action plan that expresses its intention to implement HB 528.
- B. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will develop a system to periodically monitor and evaluate its progress toward the implementation of HB 528.
- C. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will review and revise existing policies and consider new policies that will assist the implementation HB 528.
- D. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will support a public awareness effort to better inform the Montana public about HB 528.

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- E. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will encourage tribal-state cooperative agreements, as defined within MCA 18-11-101, that will allow for state and local education leadership and tribal governments to work together to determine appropriate and culturally responsive educational goals for citizens of the Montana reservation communities.
- F. Each Montana State educational agency (Board of Public Education, Office of Public Instruction, Office of the Commissioner of Higher Education, and Board of Regents) will expand professional development and other educational opportunities so that administrators, faculty, staff, and students will have a better understanding of American Indian culture and history. Annual reports identifying these activities will be developed by agency staff and reviewed by the Board of Regents and the Board of Public Education.

II. Educational Standards and Resources

- A. The Montana Board of Public Education should adopt Social Studies Content Standards that specifically address the topics of Montana and American Indian history, culture, and contemporary issues. The following are examples of content and performance standards that may meet this objective:
 - *Identify and describe important events and famous people in Montana and United States history.*
 - *Explain the history, culture, tribal sovereignty, and current status of the American Indian tribes in Montana.*
- B. The Office of Public Instruction will provide a model curriculum aligned to Montana's content and performance standards and will develop supportive resources for teaching Montana Indian history, culture, and contemporary issues. The model curriculum and instructional resources will be developed in cooperation with, and approved by, the Montana Advisory Council on Indian Education and will be made available to all Montana public schools. An evaluation tool will also be developed to determine the effectiveness of these resources.
- C. The Office of Public Instruction and Board of Education will develop a process to ensure that all content standards reflect the constitutional commitment to American Indian culture, heritage, and contemporary issues.
- D. The Office of Public Instruction and Board of Education will develop a process to ensure that the state's accreditation guidelines include the recognition of and commitment to Montana's Constitutional language in Article X, Section 1, Paragraph 2

III. Teacher Training/Professional Development

- A. The Board of Regents, Office of Public Instruction, and Board of Public Education will assure that Montana's Teacher Education Program Standards include relevant

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coursework requirements, (e.g. ~~American Indian History and/or American Indian Issues~~) such as American Indian Education or its equivalent, that serve to educate all prospective teachers in teaching American Indian students and enhance their awareness of American Indian culture, language, history and contemporary issues, including tribal sovereignty.

- B. The Commissioner of Higher Education will appoint a committee chaired by the Deputy Commissioner and including the deans of teacher education programs to develop a Montana University System plan for recruiting more American Indian students into teacher education, placing and retaining them in Montana's schools, and providing continued in-service opportunities. Representatives from the tribal colleges and tribal education departments will be members of the committee.
- C. The Office of Public Instruction and Board of Public Education will continue to work with teacher education programs in the Montana University System to pursue the development of alternative, portfolio assessments for teacher certification.
- D. The Montana University System will ~~continue to~~ support Class 7 certification and make available, as appropriate, research expertise and information resources on language study. The Office of Public Instruction will continue to collaborate with Tribal Colleges and Tribal Governments in providing instructional personnel to teach American Indian languages and culture in our state's educational systems through the Class 7 specialist certification and will seek ongoing institutional support.
- E. The Office of Public Instruction will provide guidance in the statewide professional development framework to ensure that the state's educational personnel have available appropriate opportunities to learn about American/Montana Indians to better prepare them to provide leadership and instructional support to students in meeting this policy's commitment.

Strategies will include, but are not limited to, the following:

- Develop and implement a five-year American Indian studies professional development plan statewide for teachers, school boards, administrators and support staff.
- Develop a professional development program aimed at assisting LEAs incorporate HB528.

IV. Recruitment and Retention of American Indian Educators and Students

- A. The Board of Regents will hire more American Indian faculty, and staff, and administrators on the campuses of the Montana University System and the campuses will report data to the Regents every two years.
- B. The Montana University System will increase enrollments of American Indian students through enhanced recruitment and retention efforts.

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- C. The Board of Regents will annually review and evaluate campus action plans for diversity and ensure that sufficient training opportunities are available consistent with the goals of HB 528.
- D. The Board of Education will remain committed to the continuation of the American Indian fee waiver and will support a statutory appropriation for non-beneficiary students at the tribal colleges.
- E. The Board of Education will support strategies to promote recruitment and retention of American Indian teachers in Montana's public schools to increase the percentage of American Indian teachers to a level consistent with the percentage of American Indian students in Montana schools. Specific strategies will include, but are not limited to: 1) Creating a scholarship/loan forgiveness program for future American Indian educators; and 2) Collective efforts to support and attain state and federal programs and grants that encourage American Indian teacher training.

V. Other

- A. The Office of Public Instruction will research, plan, monitor, evaluate and budget for programs and services designed to reduce the disparity of educational achievement that currently exists in Montana's educational system for its American Indian students.
- B. The Office of Public Instruction will develop a communication mechanism between the OPI and Tribal Education Departments.
- C. The Board of Regents will develop a communication mechanism between the Board of Regents, Montana's Indian tribes, and tribal colleges.
- D. The Office of Public Instruction and Board of Regents will continue to advocate for American Indian education and secure adequate funding for the activities of the Indian Education Department and the Office of American Indian/Minority Achievement, respectively.
- E. The Office of Public Instruction will continue to include input from Montana Indian educators in the development and implementation of statewide assessment activities.
- F. The Office of Public Instruction will provide adequate supportive resources within its organizational structure to ensure that this commitment will be implemented including, both within and without the office, a data management system and reporting mechanism that will serve as a measurement of accountability to this policy.
- G. The Office of Public Instruction, ~~and~~ Board of Public Education, and Board of Regents will encourage that all school districts and university units within Montana observe American Indian Week each September.

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SUMMARY

We are optimistic about the ability of these recommendations to effect real change in Montana schools and communities. Therefore, we respectfully request the support of the full Montana Board of Education in endorsing and implementing these suggestions through its collective and individual authority as Montana's state governing boards for education. Furthermore, we request that the Board of Education review Montana's progress toward these actions on an annual basis.

Respectfully submitted,

Joyce Silverthorne, Chair Date

Randy Morris Date

Richard Roehm Date

Deborah Wetsit Date

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