

Rosebud Sioux Tribe



Tribal Education Code Amended: 12/2022

Rosebud Sicangu Tribal Education Department
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TITLE 21. ROSEBUD SIOUX TRIBE EDUCATION CODE

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TITLE 21. ROSEBUD SIOUX TRIBE EDUCATION CODE

21-1. GENERAL

21-1.1. Citation

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

21-1-2. Authority of the Tribal Government

- (a) Inherent Authority Over Education. The Tribal Government may have the power and duty to exercise its inherent authority over education for Wayawapi Ki (students) from early childhood through post-secondary education by enacting and implementing this revised Tribal Education Code applicable to All Educational Institutions as defined in the Code.
- (b) Applicability of Code. The laws, ordinances, and policies of the Tribe, including this Tribal Education Code, apply to All Educational Institutions to the maximum extent of the jurisdiction of the Tribe.
- (c) Authority of Council to Negotiate Agreements to Implement Code. As provided in the Tribal Constitution, the Tribal Council is empowered to negotiate with the federal, state, and other tribal governments, or their agencies or political subdivisions, any agreements necessary to implement the provisions and policies of this Tribal Education Code.
- (d) Other Rights and Powers Not Abrogated by Tribal Authority over Education. In exercising its authority over education for Wayawapi Ki (students) from early childhood through post-secondary education, the Tribal Government does not cause or sanction any abrogation of the rights of the Tribe based upon international law, federal law, state law, tribal 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, including but not limited to the obligation to provide a non-discriminatory education.

21-1-3. Findings

The Tribal Council hereby finds and declares that:

- (a) The Tribe recognizes the devastating consequences of the failures and misguided educational policies of non-Tribal governments, that resulted in the loss of the language, culture, and history of the Tribe. Our language, culture, and history are essential to

maintaining the spiritual, cultural, physical, and mental values, balance, and wellbeing of Wayawapi Ki (students), and the Tribe as a whole.

- (b) Despite clear obligations in treaties, the trust relationship, federal and state law, the federal and state governments have largely failed to provide or ensure high quality and relevant education for Wayawapi Ki (students) from early childhood through post-secondary education.
- (c) The Tribal Education Code recognizes and reaffirms the Tribe's inherent sovereign authority to provide its citizens the highest quality and relevant education from early childhood through post-secondary education that must be based in the language, culture, and history of the Tribe, including traditional methods of teaching and learning.
- (d) Historically, attendance by Wayawapi Ki (students) at All Educational Institutions (AEI) as defined in this Code has been low; and, at least as measured by standardized tests and graduation rates, academic performance and achievement levels by Wayawapi Ki (students) at All Educational Institutions have been low; and further, expectations for educational success for Wayawapi Ki (students) also have been low.
- (e) It is the legal and moral obligation of the State, in meaningful consultation and cooperation with the Tribe, to take effective measures to provide Wayawapi Ki (students) a high quality and relevant education from early childhood through post-secondary education. The State must take effective measures to eliminate discrimination and prejudice, and to promote tolerance, understanding, and good relations among Governing Bodies, Faculty and Staff, and Wayawapi Ki (students).
- (f) It is the trust responsibility and legal and moral obligation of the federal government to have meaningful consultation with the Tribe, and with the consent of the Tribe, to provide for the highest quality and most relevant education for our Wayawapi Ki (students).
- (g) There are ongoing efforts to continue to develop Tribal academic standards and guidelines in educational content areas from early childhood through post-secondary education. It is critical to include the language, culture, and history of the Tribe; as well as traditional family ways and community relations, in these academic standards and guidelines.
- (h) The majority of All Educational Institutions' Governing Bodies and Faculty and Staff are not effectively utilizing culturally responsive teaching methods for our Wayawapi Ki (students). There is a continued need for professional development in All Educational Institutions.
- (i) Currently, All Educational Institutions are assessed and reviewed by non-tribal government entities that are not culturally responsive, lack a basic understanding of tribal communities, and base their assessments on western philosophy.

- (j) There is a need for enhanced collaboration and transition among All Educational Institutions and agencies, programs, and services that assist Wayawapi Ki (students).
- (k) There is a need for the development and upkeep of a comprehensive education database to assist in tracking Wayawapi Ki (students) among All Educational Institutions.
- (l) Historical and intergenerational trauma contributes to abuse, neglect, and violence which negatively affect family and community engagement in the educational experience of Wayawapi Ki (students). There is a need to increase the positive engagement of families and communities in the education of Wayawapi Ki (students) with assistance by the Tribe.
- (m) The Tribe recognizes the need for advocacy and support for Wayawapi Ki (students) who are connected to our families and communities who are attending boarding schools, other schools, colleges, and universities outside of our tribal jurisdiction.
- (n) The Tribe recognizes and affirms the continued need to support our Two-spirit Wayawapi Ki (students) as they are often subjected to unfair and sometimes damaging policies and practices that do not encourage inclusiveness within All Education Institutions.

21-1-4. Intents and Purposes

The Tribe commits to assisting Wayawapi Ki (students), families, and communities to live healthy lives that strengthen their families, communities, and the Tribe. We will build trusting and respectful relationships with All Educational Institutions, and all identified education stakeholders. We will hold All Educational Institutions, agencies, and partners to high standards of accountability through transparency. The Tribe supports the Tribal Education Department in its efforts to advocate for best practices and policies, and to celebrate educational success. Accordingly, it is the intent and purpose of this Tribal Education Code to provide the necessary leadership, guidance, and resources to:

- (a) address the historical failure of the federal and state governments to provide and ensure high quality and relevant education for Wayawapi Ki (students) from early childhood through post-secondary education;
- (b) address the historical loss of the language, culture, and history of the Tribe by continuing to develop, adopt, and promote cultural and language curriculum, and academic standards;
- (c) assist families and communities, All Educational Institutions, and identified education stakeholders to understand, support, and advocate for Wayawapi Ki (students) in developing their maximum potential from education including those attending boarding schools;

- (d) assist families, communities and All Educational Institutions to understand the role of education so that Wayawapi Ki (students) may improve their opportunities, outcomes, and aspirations within their families, communities, leadership, employment, and military service;
- (e) consult with non-Tribal governments to enable them to take effective measures to eliminate discrimination and prejudice, and to promote tolerance, understanding and good relations among Wayawapi Ki (students), Governing Bodies, and Faculty and Staff;
- (f) address the historically low educational attendance rates, academic performance and achievement levels, and expectations for Wayawapi Ki (students) at All Educational Institutions;
- (g) establish Tribal academic standards that are culturally responsive from early childhood to secondary education, for example the work created by the Commission on Oceti Sakowin Accreditation for K-12 schools;
- (h) establish and maintain a tribal education Wayawapi Ki (students) database;
- (i) establish and maintain a system for the Tribal Education Department to review compliance by All Educational Institutions with applicable reporting requirements and accreditation requirements;
- (j) coordinate high quality and relevant education training for the Governing Bodies and Faculty and Staff, including training and education that includes the language, culture, and history of the Tribe;
- (k) review compliance by All Educational Institutions with applicable Faculty and Staff licensure, certification, background check, confidentiality, information sharing, ethical behavior, and abuse reporting requirements, and provide for the involvement of the Tribal Education Department in certification and recertification of Faculty and Staff.;
- (l) collaborate and provide assistance to All Educational Institutions concerning budgets, needed appropriations, and financial management for the needs of our schools and Wayawapi Ki (students);
- (m) advocate for compliance by All Educational Institutions with applicable building, safety, and environmental laws;
- (n) advocate for collaboration, transparency and transition among All Educational Institutions and agencies, programs, and services that assist Wayawapi Ki (students);

- (o) promote improved family and community engagement in education from early childhood through post-secondary education;
- (p) address abuse, neglect, violence, and historical and intergenerational trauma, and its impacts on educational opportunities;
- (q) coordinate with inter-governmental agencies regarding the purposes, standards, and needs of education for Wayawapi Ki (students);
- (r) advocate and address the issues surrounding inclusiveness of the Tribes' Two-spirit Wayawapi Ki (students) within All Educational Institutions from early childhood through post-secondary education;

21-1-5. Declaration of Policies

It is hereby declared to be the policy of the Tribe that:

- (a) The Tribe is an indigenous people with a distinct culture and language as well as political and economic systems. The most valuable resources of the Tribe are its Wayawapi Ki (students), land and natural resources, and its Lakota language, culture, and history.
- (b) The Tribe shall assert its responsibility and inherent sovereign authority to preserve, protect, and perpetuate the Tribe's valuable resources by the Tribal Government's active involvement and leadership role in all education endeavors involving Wayawapi Ki (students), by enacting this revised Tribal Education Code.
- (c) The Tribe shall provide the administrative direction, coordination, and, subject to availability, the financial assistance to administer and implement this Tribal Education Code.
- (d) The Tribe shall ensure that, regardless of the education provider, its Wayawapi Ki (students) are offered a high quality and relevant education from early childhood through post-secondary education to which they are entitled.
- (e) A high quality and relevant education for Wayawapi Ki (students) from early childhood through post-secondary education consists of education in the language, culture, and history of the Tribe, in a manner appropriate to our traditional culture. The Tribe shall support methods of teaching and learning, including language immersion programs, with dignity and diversity and without discrimination.
- (f) A high quality and relevant education for Wayawapi Ki (students) from early childhood through post-secondary consists of improved opportunities for Wayawapi Ki (students) outcomes and aspirations in all aspects of life, including; family and community relations, leadership, employment, and military service.

- (g) The Tribe shall address the loss of our Lakota language, culture and history from early childhood through post-secondary education.
- (h) The Tribe shall improve attendance by Wayawapi Ki (students) from early childhood through post-secondary education by supporting the Tribal truancy code (LOC Title Three, Chapters 6 and 7).
- (i) The Tribe commits to increasing expectations in academic performance and achievement levels of Wayawapi Ki (students) from early childhood through post-secondary education.
- (j) The Tribe shall provide comprehensive and continual evaluation of compliance by All Educational Institutions with all applicable reporting requirements, accreditation laws, regulations, and standards.
- (k) The Tribe shall provide All Educational Institutions with access to appropriate curricula, instructional materials, and training in our Lakota language, culture, and history, including language immersion programs.
- (l) The Tribe shall develop Tribal academic standards or guidelines in education content areas from early childhood through post-secondary, including our Lakota language, culture, history, geography, tribal government, math, science, social studies, the arts, physical development, mental health, and family and community relations.
- (m) The Tribe shall ensure compliance by All Educational Institutions with all applicable laws, regulations, and guidelines regarding background checks, pre-employment testing, confidentiality and information sharing, ethical behavior, and abuse reporting.
- (n) The Tribe shall ensure compliance by All Educational Institutions with all applicable health, safety and environmental laws, regulations, and guidelines.
- (o) The Tribe shall assist All Educational Institutions in increasing family and community engagement in education from early childhood through post-secondary.
- (p) The Tribe shall establish a Tribal Education Consortium and other appropriate committees and task forces to assist its Tribal Education Department in improving education for Wayawapi Ki (students) from early childhood through post-secondary education.
- (q) The Tribe shall collaborate with and assist other tribal, State and Federal governments to improve education for Wayawapi Ki (students) from early childhood through post-secondary education.

21-1-6. Definitions

Unless this Code provides otherwise, the following definitions apply herein;

- (a) Abuse. “Abuse” means any and all physical abuse, sexual abuse, alcohol or drug abuse, and emotional abuse, including bullying and harassment.
- (b) Academic Measures. “Academic measures” means subject grades, assessment scores and results, and other objective measures of student learning, performance and achievement.
- (c) Academic Standards. “Academic Standards” means the elements of declarative, procedural, schematic, and strategic knowledge that, as a body, define the specific content of an educational program.
- (d) All Educational Institutions. “All Educational Institutions” or “Educational Institutions” means any and all schools, education institutions, education programs, and education services, from early childhood through post-secondary, that serve Wayawapi Ki (students) within the territorial jurisdiction of the Tribe.
- (e) Culture or Cultural. “Culture” or “Cultural” 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 beings; (2) spiritual relationships; (3) values, assumptions, rules, and attitudes; (4) language; (5) social, individual, and cognitive development processes; and (6) acquisition and use of knowledge.
- (f) Curriculum. “Curriculum” means any course of academic subjects or planned education experience provided for students.
- (g) Director. “Director” means the Director of the Tribal Education Department.
- (h) Disabled Wayawapi Ki (students). “Disabled Wayawapi Ki (students) are Wayawapi Ki (students) with a disability as defined or recognized under federal, state, or tribal law.
- (i) Early Childhood Education. "Early Childhood Education" means any and all educational, developmental, transitional schools, programs, services, resources, and assistance, including but not limited to Lakota Tiwahe Birth to Five Early Intervention; Head Start, Early Head Start; local Pre-Schools, Family Literacy, and Child Care, offered for wakanyeja of the Tribe who are under the age of six years, regardless of the provider or location of such schools, programs, services, resources, and assistance.
- (j) Educational Data. “Educational data” or “data” includes but is not limited to: attendance and truancy reports, achievement data, test results, progress reports, evaluations, language proficiency data, information about curriculum 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 facilities, transportation, and environmental management systems.

- (k) Educational Policies and Programs. “Educational policies and programs” include but are not limited to policies or programs other than academic standards or curriculum that develop strong student, family or community knowledge of, skills in, or engagement with schools, their Wayawapi Ki (students), and their curriculum.
- (l) Educational Research. “Educational Research” means research, studies, and analysis of various aspects of education, including student learning, teaching methods, administrator training, and their relationships, dynamics, and results or outcomes.
- (m) Faculty and Staff. “Faculty and Staff” means but is not limited to: teachers, administrators, counselors, aides, therapists, and other professional and para professional employees of All Educational Institutions.
- (n) Family, Community, and Tribal Engagement. “Family, Community, and Tribal Engagement” means but is not limited to: family, community, and tribal shared and collaborative responsibilities at home, in school, in communities, and within the Tribe regarding wakanyeja and Wayawapi Ki (student) growth and development which are continuous from early childhood through post-secondary education.
- (o) Governing Body. “Governing Body” means the authorized governing body (including boards of directors, boards of regents, school boards, and other boards, commissions, and other official entities and groups) of All Educational Institutions, 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.
- (p) Indian Preference. “Indian preference” means Indian preference as defined in Tribal law and policy, including but not limited to Rosebud Sioux Tribe Personnel Policies and Procedures Ordinance 2007-09, and any approved amendments thereto.
- (q) Law and Order Code. “Law and Order Code” or “LOC” means the Law and Order Code of the Tribe.
- (r) Non-academic Measures. “Non-academic measures” means indicators such as health, behavioral, character, relationships, or socioemotional factors that affect Wayawapi Ki (student) learning.
- (s) Parent. “Parent” means a biological parent, surrogate parent, stepparent, parent-in-law, godparent, adoptive parent, foster parent, or legal guardian of a wakanyeja; or, a caretaker adult recognized under tribal law or custom (LOC 2-2-7), who makes decisions related to the wakanyeja safety, education, and welfare.

- (t) Reservation. “Reservation” means the territorial jurisdiction of the Tribe
- (u) Rosebud Dormitory. “Rosebud Dormitory,” means the Tribally Chartered Education Entity, also known as Sicangu Owayawa (Students) Oti, chartered by Resolution No. 98-168 (July 14, 1998), for the operation of a dormitory on the Reservation.
- (v) Saint Francis Indian School. “Saint Francis Indian School,” means the Tribally Chartered Education Entity, also known as Sicangu Oyate Ho, Inc., chartered by Resolution No. 82-14 (Dec. 3, 1970), as amended, for the operation of Saint Francis Indian School on the Reservation.
- (w) School. “School” means a place, institution, or process for teaching and learning.
- (x) Sinte Gleska University. “Sinte Gleska University” means the Tribally Chartered Education Entity chartered by Resolution No. 71-01 (Feb. 1971), as amended, to provide for higher (post-secondary) education on the Reservation.
- (y) Special Education. “Special Education” means education for Disabled Wayawapi Ki (students).
- (z) State. “State” or “state government” means the State of South Dakota, or any political subdivision thereof.
- (aa) Tribe or Tribal. “Tribe” or “Tribal” means the Rosebud Sioux Tribe, the Sicangu Oyate, the Sicangu Lakota, and any variation of the same as defined or used under the law of the Tribe.
- (bb) Tribally Chartered Education Corporation or Entity. “Tribally Chartered Education Corporation or Entity” means a Corporation (for-profit or non-profit) or an Entity, as defined in LOC Title 15, chartered by the Tribal Government under the Tribal Constitution and LOC as a School or for educational services, programs, or purposes.
- (cc) Tribal Constitution. “Tribal Constitution” or “Constitution” means the Constitution of the Tribe.
- (dd) Tribal Council. “Tribal Council” or “Council” means the Tribal Council of the Tribe.
- (ee) Tribal Education Code. “Tribal Education Code” or “Code” means the Education Code of the Tribe.
- (ff) Tribal Education Committee. “Tribal Education Committee” or “Committee” means the Education Committee of the Tribe.

- (gg) 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.
- (hh) Tribal Government. “Tribal Government” means the authorized government of the Tribe.
- (ii) Two Spirit. “Two Spirit” means but is not limited to individuals with same-sex attraction or a wide variety of gender variance, including individuals who might be described in Western culture as gay, lesbian, bisexual, transsexual, transgender, gender queer (LBGTQ), cross-dressers, or who have multiple gender identities.¹
- (jj) Wakanyeja. “Wakanyeja” means child, eighteen years of age and younger.
- (kk) Wayawapi and Wayawapi Ki. “Wayawapi” means anyone who is officially enrolled in an All Educational Institution. “Wayawapi Ki” is the plural for Wayawapi.

21-1-7. References to Code Includes Amendments

When reference is made to any portion of this Tribal Education Code, the reference may apply to all amendments and additions made hereafter.

21-1-8. 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.

21-1-9. 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 may govern.

21-2. TRIBAL EDUCATION DEPARTMENT

21-2-1. Tribal Council

Governing and Policy-Determining Body. The Tribal Council may be the governing and policy-determining body of the Tribal Education Department. As the governing and policy-determining body, and consistent with all other applicable law, the Tribal Council may:

¹ <https://lgbtqhealth.ca/community/two-spirit.php>

- (a) Director.
 - (1) Establish the qualifications for and the salary of the Director of the Tribal Education Department.
 - (2) Make the final selection of the Director in the event of any type of vacancy in the Director position, pursuant to the following process:
 - A. the Tribal President may appoint an employee from the Department to serve as an Acting Director;
 - B. the Director's position must be advertised and will be a fulltime employee;
 - C. the Tribal President and the Tribal Education Committee may interview and make a primary recommendation to the Tribal Council; and
 - D. the Tribal President may convey that recommendation to the Tribal Council.
 - (3) Consult with the Tribal Education Director on all education matters before taking action or position, including in or regarding litigation, legislation, administrative action or policy, negotiations, and public communications.
- (b) Reporting. Require and review regular reporting by the Tribal Education Department regarding the condition, needs, and progress of education for Wayawapi Ki (students). Reporting may include, but not be limited to, an Annual State of Sicangu Education Report as provided in this Code.
- (c) Accreditation. Require the Tribal Education Department to ensure that All Educational Institutions are currently approved by accrediting institutions under applicable federal, state, and tribal law.
- (d) Academic Standards.
 - (1) Require the Tribal Education Department to ensure that All Educational Institutions are in compliance with applicable academic standards.
 - (2) Approve or disapprove Tribal academic standards recommended by the Tribal Education Department.
- (e) Special Education. Require the Tribal Education Department to ensure that All Educational Institutions are in compliance with applicable special education laws and policies under federal, state, or tribal law.

- (f) Curriculum. Require the Tribal Education Department to ensure that All Educational Institutions have and use a curriculum that ensures their accreditation and compliance with applicable academic standards under federal, state, or tribal law.
- (g) Faculty and Staff. Require the Tribal Education Department to ensure that the Faculty and Staff are properly and currently licensed and certified under applicable federal, state, and tribal law.
- (h) Programs, Policies, and Procedures. Require the Tribal Education Department to establish appropriate programs, policies, and procedures to meet the intents, purposes, policies, and implementation this Code.
- (i) Committees and Task Forces. Require the Tribal Education Department to establish or participate on appropriate committees and task forces to meet the intents, purposes, policies, and implementation of this Code.
- (j) Coordination. Require the Tribal Education Department to actively promote and assist the coordination of tribal and non-tribal services and programs on critical education issues to meet the intents, purposes, policies, and implementation of this Code.
- (k) Local Control. Require the Tribal Education Department to actively support local control of education to meet the intents, purposes, policies, and implementation of this Code.
- (l) Appropriations and Budgets. Approve or disapprove appropriations and budgets for the Tribal Education Department to meet the intents, purposes, policies, and implementation of this Code.
- (m) Facilities, Equipment, and Resources. Require and appropriate funding for facilities, equipment, and resources for the Tribal Education Department to meet the intents, purposes, policies, and implementation of this Code.
- (n) Grants and Funding. Require the Tribal Education Department to seek federal, state, and private grants and funding for the improvement of education for Wayawapi Ki (students), including grants and funding for evaluation of All Educational Institutions and for educational research, data collection, and planning.
- (o) Consultants, Contractors, and Vendors. Approve or disapprove agreements or contracts with consultants, contractors, and vendors to meet the intents, purposes, policies, and implementation of this Code.
- (p) Educational Research and Educational Data Collection. Approve or disapprove programs, policies, and procedures regarding educational research and educational data collection that affects Wayawapi Ki (students) and the Tribe.

- (q) Rules.
 - (1) Adopt or reject rules recommended by the Tribal Education Department to meet the intents, purposes, policies, and implementation of this Code; and
 - (2) Delegate appropriate rule-making authority to the Tribal Education Director.
- (r) Legislation. Regularly consider the condition, needs, and progress of education for Wayawapi Ki (students) and enact or reject such additional legislation or changes in existing legislation as may be deemed desirable.
- (s) Negotiated Agreements. Approve or disapprove negotiated agreements recommended by the Tribal Education Department to meet the intents, purposes, policies, and implementation of this Code.

21-2-2. Tribal Education Committee

- (a) Reports. The Tribal Education Committee may review and make recommendations on the Annual State of Sicangu Education Report submitted by the Director of the Tribal Education Department.
- (b) Reporting. The Tribal Education Committee may review and make recommendations regarding reported non-compliance by All Educational Institutions with the reporting provisions of this Code.
- (c) Building, Safety, and Environmental Codes. The Tribal Education Committee may review and make recommendations regarding reported non-compliance by All Educational Institutions with the Building, Safety, and Environmental Code provisions of this Code.
- (d) Negotiated Agreements. The Tribal Education Committee may review and make recommendations in accordance with the negotiated agreements provisions of this Code.
- (e) Educational Research and Educational Data Proposals. The Tribal Education Committee may review and approve or disapprove educational research and educational data collection studies and project proposals submitted by the Director of the Tribal Education Department.
- (f) Family, Community, and Tribal Engagement in Education. The Tribal Education Committee may review and make recommendations regarding reported non-compliance by All Educational Institutions with the Family, Community, and Tribal Engagement in Education provisions of this Code.

- (g) Tribally Chartered Education Corporations and Entities. The Tribal Education Committee may review and make recommendations regarding Tribally Chartered Education Corporations and Entities as provided in this Code and in LOC Title 15.
- (h) Early Childhood Education. The Tribal Education Committee may review and make recommendations in accordance with the Early Childhood Education provisions of this Code

21-2-3. Tribal Education Department

- (a) Creation. There is hereby created in the Tribal Government a Tribal Education Department with the authority from the Tribal Council and the duty to administer, implement and enforce this Tribal Education Code.
- (b) Director.
 - (1) There may be a Director of the Tribal Education Department, with the authority and duty to exercise all powers, duties, and responsibilities of the Tribal Education Department set forth in this Tribal Education Code and other tribal law.
 - (2) The Director may be the principal administrator and enforcer of this Tribal Education Code, the principal advisor to the Tribal Education Committee and to the Tribal Council on all education matters of the Tribe, and the principal spokesperson and liaison for the Tribe on all education matters of the Tribe.

21-2-4. Duties of Director

- (a) Administration and Operations. The Director may oversee and supervise the administration and operations of the Tribal Education Department. In so doing, and consistent with applicable law, the Director may;
 - (1) Staff.
 - A. Have the authority and duty to employ qualified professional, clerical, and other staff of the Department, who may be full-time or temporary, necessary for the administration, implementation and enforcement of this Tribal Education Code;
 - B. Plan and direct the duties and responsibilities of the Department staff and ensure that the staff carries out their duties and responsibilities;
 - C. Supervise the Department staff and ensure that the Department staff is qualified and receives appropriate professional training.

- (2) Office and Records. Maintain an office in which papers, documents, records, reports, and other data may be maintained orderly and properly and be subject to inspection.
 - (3) Facilities, Equipment, and Resources. Properly and timely request, acquire, and maintain the Tribal Education Department facilities, equipment, and resources to administer, implement, and enforce this Code.
 - (4) Appropriations and Budgets. Timely request appropriations and prepare and present budgets to meet the intents, purposes, policies, and implementation of this Code.
 - (5) Grants and Funding. Seek federal, state, and private grants and funding for the improvement of education for Wayawapi Ki (students), including grants and funding for evaluation of All Educational Institutions and educational research and planning.
 - (6) Consultants, Contractors, and Vendors. Timely prepare and present for approval agreements or contracts with consultants, contractors, and vendors to meet the intents, purposes, and policies of this Code.
- (b) General Leadership. Consistent with applicable law, the Director may;
- (1) Understand the overall needs of the Tribe regarding education, the progress that the Tribe has made regarding education, and the barriers to meeting the needs and further progress;
 - (2) Maintain current general knowledge of tribal, federal, and state education laws, regulations, and policies;
 - (3) Maintain current knowledge of educational research, planning, and evaluation studies, methods, and tools;
 - (4) Maintain regular contact with All Education Institutions;
 - (5) Maintain regular contact with families and communities, including through the Tribal Education Committee and any formed Consortium provided for in this Tribal Education Code, personal appearances at public gatherings and, by making recommendations regarding legislation, policies, procedures, negotiated agreements, partnerships and other actions and initiatives to best administer, implement, and enforce this Code;
 - (6) Propose for adoption, or, with properly delegated authority, adopt, rules to meet the intents, purposes, policies, and implementation of this Code;

- (7) Regularly consider the condition, needs, and progress of education for Wayawapi Ki (students) and propose additional laws, regulations, or policies, or changes in existing education laws, regulations, and policies, both tribal and non-tribal;
 - (8) Actively promote and assist in the collaboration, coordination and partnership of tribal and non-tribal services and resources to administer and implement this Tribal Education Code and propose negotiated agreements, or changes to existing agreements to improve generally the condition, needs, and progress of education for Wayawapi Ki (students);
 - (9) Establish for approval or disapproval by the Tribal Council new education programs, policies, and procedures to meet the intents, purposes, policies, and implementation of this Code.
- (c) Reporting.
- (1) Director Authority and Duty. The Director may have the authority and duty to report regularly on the condition, needs, and progress of education for Wayawapi Ki (students). In exercising this authority and duty, consistent with applicable law, the Director may
 - (2) Education Report. Timely prepare and submit to the Tribal Education Committee an Annual State of Sicangu Education Report that sets forth the condition, needs, and progress of education for Wayawapi Ki (students) and includes barriers to meeting the needs and future progress. The Report may include recognition of improvement or progress by All Educational Institutions since the last Report. The Report may include recommendations for needed legislation or other action by the Tribal Council in education. The Report may be in writing and may be made publicly available in local print media and electronically promptly after the Education Committee has reviewed and approved the Report.
 - (3) Regular Review. Regularly, and jointly with All Educational Institutions, review federal, state, and tribal law reporting requirements applicable to All Educational Institutions, including but not limited to reporting requirements for early childhood education, post-secondary education, and for K-12 education under Impact Aid, Indian Education Act, Indian Self-Determination and Education Assistance Act, and Every Student Succeeds Act laws, regulations, and programs. The Tribal Education Department may provide technical assistance to All Educational Institutions to ensure compliance with such requirements.
 - (4) Develop Reporting Requirements. Develop other reporting requirements for All Educational Institutions consistent with this Tribal Education Code, and promptly notify the All Educational Institutions of the other reporting requirements. At a minimum, other reporting requirements may include baseline information on school

performance and accountability, including; attendance, truancy, drop-out, and academic achievement information. Other reporting requirements also may include information about compliance with the provisions of this Code.

- (5) Request Copies. Request copies of or access to reports, plans, and policies and procedures required of All Educational Institutions under applicable federal, state, or tribal law.
 - (6) Non-Compliance. Promptly report gross or repeated non-compliance by All Educational Institutions with the reporting provisions of this Code to the Tribal Education Committee or Tribal Council.
 - (7) Database. Strive to effectuate the long-term goal of Tribe to develop and maintain a Tribal Education Wayawapi Ki (students) Database which can be used to track their education progress and needs, and which can assist the Tribal Education Department in reporting under and implementing this Code. This database will assist in making recommendations for improving education.
- (d) Compliance with Code by All Educational Institutions. The Director of the Tribal Education Department may have the authority and duty to ensure compliance by All Educational Institutions with the Accreditation, Academic Standards, Special Education; Curriculum, Governing Bodies, Faculty and Staff, Budgets and Finances, and Building, Safety, and Environmental Codes provisions of this Code. In exercising this authority and duty, consistent with applicable law, the Director may;
- (1) Accreditation.
 - A. Ensure that All Educational Institutions are properly and currently accredited by approved accrediting institutions under applicable federal, state, and tribal law. In instances where more than one accrediting agency is approved to accredit an All Educational Institution, the Tribal Education Department may determine which accrediting agency is used. Training for and direct participation of the Tribal Education Department in accreditation processes is highly encouraged; alternatively, observation by the Tribal Education Department during the accreditation process should be permitted.
 - B. Review all accreditation reports provided by All Educational Institutions, and promptly initiate communication with Governing Bodies regarding progress and deficiencies. The Tribal Education Department may offer assistance or resources to address any aspect of accreditation.
 - C. Develop, cause to be developed, or collaborate in the development of Tribal accreditation processes and procedures for All Educational Institutions, including but not limited to tribal school accreditation in accordance with 25

USC §§ 2001(b) (1)(A)(i) & (b)(2), and 25 USC § 2505(c)(1)(B)(iii). Tribal accreditation processes and procedures may be documented and available in the Tribal Education Department Policies and procedures manual for the Tribal Education Code. The long term goal of the Tribe is to develop full accreditation authority over All Educational Institutions under applicable federal, state, and tribal law.

- D. Maintain and administer approved accreditation processes and procedures for All Educational Institutions, including but not limited to, tribal school accreditation in accordance with 25 USC §§ 2001(b) (1)(A)(i) & (b)(2), and 25 USC § 2505(c)(1)(B)(iii).

(2) Academic Standards.

- A. Periodically review the academic standards used by All Educational Institutions.
- B. Ensure that All Educational Institutions are in compliance with applicable academic standards. Where appropriate and to the maximum extent possible, the standards may include the language, culture, history, geography, and government of the Tribe.
- C. Ensure that All Educational Institutions align their academic standards to prepare Wayawapi Ki (students) for effective transition to subsequent level(s) of their education.
- D. Develop, cause to be developed, or collaborate in the development of Tribal academic standards applicable to All Educational Institutions. Tribal academic standards may focus on English and math, as well as the language, culture, history, geography, and government of the Tribe, and also may focus on critical thinking, problem solving, decision-making, social and emotional learning, collaboration, communication, resilience, preservation, citizenship and responsibility, community involvement, environmental consciousness, economy, technology, traditional knowledge, and lifelong learning. All Tribal academic standards are subject to review by the Education Committee and then the approval of the Tribal Council. Tribal academic standards do not prohibit or limit All Educational Institutions from exceeding the standards.

(3) Special Education.

- A. Ensure that All Educational Institutions are in compliance with federal, state, and tribal laws and standards regarding special education, including the federal Individuals With Disabilities Education Act and South Dakota Title 13-37. Disabled Wayawapi Ki (students) have a right to a Free Appropriate Public

Education and a right to have their parents be an integral part of their education. Parents of disabled Wayawapi Ki (students) have specific procedural rights regarding education of their wakanyeja. Compliance with federal, state and tribal special education laws and standards does not prohibit All Educational Institutions from exceeding the standards.

- B. Develop, cause to be developed, or collaborate in the development of Tribal Special Education laws, policies, standards, programs, and services for disabled Wayawapi Ki (students) applicable to All Educational Institutions.

(4) Curriculum.

- A. Ensure that All Educational Institutions have and use a curriculum that safeguards their accreditation and compliance with applicable academic standards. Where appropriate and to the maximum extent possible, the curriculum may include the approved tribal orthography to be used in the instruction of the language of the Tribe.
- B. Develop, cause to be developed, or collaborate in the development of Tribal curriculum applicable to All Educational Institutions. Tribal curriculum may include instruction in the language of the Tribe using the approved tribal orthography for instruction in the language of the Tribe. Tribal curriculum also may include the culture, history, geography, and government of the Tribe, and may be developed in accordance with the Tribal academic standards provisions of this Code.

(5) Governing Bodies.

- A. Provide copies of this Tribal Education Code to Governing Bodies, and upon request, provide technical assistance to Governing Bodies to assist them in understanding and complying with this Code.
- B. Provide or arrange for appropriate training for Governing Bodies.

(6) Faculty and Staff.

- A. Ensure that Faculty and Staff are properly and currently licensed, certified, and background checked under applicable federal, state, and tribal law.
- B. Develop, cause to be developed, or collaborate in the development of Tribal certification and recertification processes for Faculty and Staff. In developing Tribal Faculty and Staff certification and recertification processes, the Tribal Education Department may collaborate with Sinte Gleska University and other post-secondary institutions.

- C. Maintain and administer approved Tribal certification and recertification processes for Faculty and Staff.
- D. Ensure that Faculty and Staff are properly and currently evaluated under applicable federal, state, and tribal law and policy and procedures. The Tribal Education Department may request from Governing Bodies summaries (not including personally identifiable information) of evaluations and evaluation processes. The Tribal Education Department may encourage and may assist all Faculty and Staff to gain and maintain specific knowledge and skills that will assist in improving their ability to serve Wayawapi Ki (students) in the priority education areas of the Tribe as set forth in this Tribal Education Code.

(7) Budgets and Finances.

- A. Review budget estimates and proposals, appropriations, funding source reports, audits, and other financial reports and information for All Educational Institutions.
- B. Participate in hearings, reviews, and other budget and finance processes of All Educational Institutions, and review budget and financial information provided by All Educational Institutions.

(8) Building, Safety, and Environmental Codes.

- A. Ensure that All Educational Institutions are timely reporting to the Tribal Education Department that they are in compliance with applicable federal, state, and tribal building, safety, and environmental laws and regulations.
- B. Promptly report instances of non-compliance by All Educational Institutions with applicable federal, state, and tribal building, safety, and environmental laws and regulations to the Tribal Education Committee or Tribal Council.

- (e) Group Structures and Governance Policies. The Director of the Tribal Education Department may have the authority and duty to administer and implement the Consortium, Advisory Committees and Task Forces, Coordination, Inter-governmental Relations, and Local Control provisions of this Code. In exercising this authority and duty, consistent with applicable law, the Director may;

(1) Consortium.

- A. Establish and maintain a Tribal Consortium for education, which may consist of representatives of the Tribal Education Department, All Educational Institutions; other appropriate tribal and non-tribal agencies, departments, and

programs; parents; and, Wayawapi Ki (students); provided that nothing in this Section may prohibit or limit the establishment of other education boards, commissions, or committees.

- B. Call and conduct a meeting of the Consortium at least annually. At Consortium meetings, the Director may present the Annual State of Sicangu Education Report and may include other items for discussion.
- C. Strive to develop consensus and specific recommendations from the Consortium for tribal, and non-tribal, education legislation, policies, or other action, which the Director may report to the Tribal Education Committee.
- D. Document Consortium meetings in the Annual State of Sicangu Education Report.

(2) Committees and Task Forces.

- A. Serve on federal, state and tribal committees or task forces as directed by the Tribal Council.
- B. Establish or participate on advisory committees and task forces to meet the intents, purposes, policies, and implementation of this Code.

(3) Collaboration and Coordination.

- A. Actively promote and assist the collaboration, coordination and partnership of tribal and non-tribal services and programs on education matters to meet the intents, purposes, policies, and implementation of this Code.
- B. Coordinate or negotiate agreements with agencies and entities of the federal, state, and Tribal Government, other tribes, and private institutions for recommendation to the Tribal Education Committee and approval by the Tribal Council.

(4) Intergovernmental Relations.

- A. Actively promote intergovernmental relations.
- B. Act as the spokesperson on behalf of the Tribe on education matters, and as a liaison on behalf of the Tribe with the federal government, states, and other tribes on education matters. This may include, but not be limited to, attending and interacting at meetings of federal, state, and tribal legislatures and agencies and national, regional and state organizations.

- C. Develop and comply with a tribal education consultation policy for use with all other governments (federal, state and other tribes) and report on the consultation on at least on an annual basis, including in the Annual State of Sicangu Education Report.
- (5) Local Control. Actively promote and support local control of education to meet the intents, purposes, policies, and implementation of this Code.
- (f) Educational Research and Educational Data Collection and Proposals.
 - (1) Review the current educational research and educational data collection policies and processes of All Educational Institutions.
 - (2) Promptly review copies of non-governmental educational research and educational data collection studies and project proposals submitted by All Educational Institutions and recommend approval or disapproval of the proposals and projects to the Tribal Education Committee. The Director also may review copies of results of approved non-governmental educational research and educational data collection studies and project results.
 - (3) Establish for approval or disapproval by the Tribal Council programs, policies, and procedures regarding educational research and educational data collection that affects the Tribe.

21-3. GOVERNING BODIES OF ALL EDUCATIONAL INSTITUTIONS

21-3-1. Governing Bodies

- (a) Applicable Law. Applicable federal, state, and tribal law, including this Tribal Education Code, may apply to the Governing Bodies of All Educational Institutions.
- (b) Compliance. Governing Bodies are subject to and may comply fully with this Tribal Education Code and all other applicable tribal, state, and federal law. Governing Bodies may ensure that All Educational Institutions and Faculty and Staff cooperate with the Tribal Education Department in the administration and implementation of this Code and in addressing other education matters and issues of the Tribe.
- (c) Reporting.
 - (1) Governing Bodies may comply with reporting requirements in this Tribal Education Code and all other applicable tribal, state, and federal law. They may respond promptly to the Tribal Education Department regarding instances of non-compliance with these reporting requirements.

- (2) Governing Bodies may regularly and jointly review with the Tribal Education Department applicable federal, state, and tribal law reporting requirements, including but not limited to requirements under early childhood education, K-12 education, and post-secondary education, Impact Aid, Indian Education Act, Indian Self-Determination and Education Assistance Act and Every Student Succeeds Act laws, regulations, and programs. They may request technical assistance from the Tribal Education Department to ensure compliance with such requirements.
- (3) Upon submission of any report, plan, policy, or procedure required under applicable federal, state, or tribal law, Governing Bodies may simultaneously provide a copy of such report, plan, policy, or procedure to the Tribal Education Department. Provision or access may be in electronic format unless electronic format is unavailable, in which case hard copies may be provided.

(d) Accreditation.

- (1) Governing Bodies may ensure that their Educational Institutions are properly and currently accredited by approved accrediting institutions under applicable federal, state, and tribal law. They may request the assistance of the Tribal Education Department to address any aspect of accreditation.
- (2) Governing Bodies may provide, or provide access to, copies of documentation of the proper and current accreditation of All Educational Institutions to the Tribal Education Department. They may provide, or provide access promptly to, copies of documentation of non-accreditation or accreditation deficiencies to the Tribal Education Department.
- (3) To the maximum extent possible, Governing Bodies may include the Tribal Education Department in training for and direct participation in their accreditation processes, alternatively, they should permit observation by the Tribal Education Department during their accreditation process.

(e) Academic Standards.

- (1) Governing Bodies may ensure that All Educational Institutions are in compliance with applicable academic standards. Where appropriate and to the maximum extent possible, the standards may include the language, culture, history, geography, and government of the Tribe.
- (2) Governing Bodies may ensure that All Educational Institutions align their academic standards to prepare Wayawapi Ki (students) for effective transition to subsequent level(s) of education.

- (3) Upon request by the Tribal Education Department, Governing Bodies may provide or provide access to, copies of current academic standards in use or proposed for use to the Department.
 - (4) Governing Bodies may exceed any applicable academic standards.
- (f) Special Education.
- (1) Governing Bodies may ensure that All Educational Institutions are in compliance with federal, state, and tribal laws and standards regarding special education, including the federal Individuals With Disabilities Education Act and South Dakota Title 13-37.
 - (2) Governing Bodies may ensure that All Educational Institutions adhere to the rights of parents of disabled Wayawapi Ki (students).
 - (3) Compliance by Governing Bodies and All Educational Institutions with federal, state, and tribal special education laws and standards does not prohibit All Educational Institutions from exceeding the standards.
- (g) Curriculum.
- (1) Governing Bodies may ensure that All Educational Institutions have and use a curriculum that safeguards their accreditation and compliance with applicable academic standards. Where appropriate and to the maximum extent possible, the curriculum may include the approved tribal orthography to be used in the instruction of the language of the Tribe.
 - (2) Upon request by the Tribal Education Department, Governing Bodies may provide, or provide access to, copies of current curriculum in use or proposed for use to the Department.
- (h) Training. Governing Bodies may comply with all applicable training requirements under federal, state, and tribal law. Governing Bodies of Tribally Chartered Education Corporations and Entities may request that the Tribal Education Department provide for appropriate training if funds are available.
- (i) Faculty and Staff.
- (1) Governing Bodies may ensure that their Faculty and Staff are properly and currently licensed, certified and background checked under applicable federal, state, and tribal law. Upon request by the Tribal Education Department, Governing Bodies may provide, or provide access to, copies of current licenses, certification, and background checks to the Department.

- (2) Governing Bodies may ensure that their Faculty and Staff are properly and currently evaluated under applicable federal, state, and tribal law, policies, and procedures. Upon request by the Tribal Education Department, Governing Bodies may provide the Department with summaries (not including personally identifiable information) of evaluations and evaluation processes. Governing Bodies may encourage Faculty and Staff to gain and maintain specific knowledge and skills that will assist in improving their ability to serve Wayawapi Ki (students) in the priority education areas of the Tribe as set forth in this Tribal Education Code.
- (j) Budgets and Finances. Consistent with applicable federal, state, and tribal law, Governing Bodies may
 - (1) include the Tribal Education Department in hearings, reviews and other budget and finance processes of All Educational Institutions; and
 - (2) provide, or provide access to, copies of current budgets, funding source reports, audits and other financial reports and information to the Tribal Education Department.
 - (k) Building, Safety, and Environmental Codes.

Governing Bodies may;

 - (1) ensure that All Educational Institutions are in compliance with all applicable federal, state, and tribal building, safety, and environmental laws and regulations; and
 - (2) promptly report instances of non-compliance with applicable federal, state, and tribal building, safety, and environmental laws and regulations to the Tribal Education Department.
 - (l) Consortium. Governing Bodies may actively participate in a Consortium established by the Tribal Education Department under this Code.
 - (m) Educational Research and Educational Data Collection.
 - (1) Governing Bodies may ensure that All Educational Institutions are in compliance with applicable tribal law and policies regarding Educational Research and Educational Data Collection.
 - (2) Governing Bodies may provide copies of their current Educational Research and Educational Data Collection policies and processes to the Tribal Education Department.

- (3) Governing Bodies may submit copies of non-governmental Educational Research and Educational Data Collection proposals and projects to the Tribal Education Department before such proposals and projects are approved, agreed-to, or commenced. The Department may submit copies of such proposals and projects to the Tribal Education Committee for approval or disapproval. All Educational Institutions may provide copies of the results of approved non-governmental Educational Research and Educational Data Collection projects to the Tribal Education Department.

- (n) Assistance and Coordination. Governing Bodies may request the assistance and coordination of the Tribal Education Department for any matter to ensure the administration and implementation of the intents, purposes, policies, and provisions of this Code.

21-4. EDUCATIONAL POLICIES AND PROGRAMS

21-4-1. Sicangu Oyate Wicozani (Health and Wellness)

- (a) Attendance and Truancy.
 - (1) The Tribe, Governing Bodies, families, and communities all share responsibility and accountability for attendance and truancy in K-12 All Educational Institutions. It is the law and policy of the Tribe to enforce attendance and report truancy. LOC Title 3, Ch.6, Compulsory School Attendance, and Title 3, Ch.7, Informal and Formal Truancy Proceedings.
 - (2) Consistent with applicable federal, state, and tribal law, including the definitions of truancy in LOC Title 3, Ch.6, Compulsory School Attendance, Sections 3-6-3 and 3-6-4, Governing Bodies shall immediately respond to instances of truancy or chronic Wayawapi Ki (students) absences in K-12 All Educational Institutions. Governing Bodies and the Tribal Education Department shall have the authority and duty to follow the law as set out in LOC Title 3, Chapter 6 and Title 3, Chapter 7.
 - (3) The Tribal Education Department shall have the authority and duty to ensure that Governing Bodies are in compliance with all applicable federal, state and tribal attendance and truancy laws and policies.
 - (4) The Tribal Education Department may provide technical assistance, resources, and referrals to Governing Bodies and the appropriate governmental authorities to assist in addressing truancy or chronic absences.

(b) Being a Good Wayawapi Ki (Student).

- (1) Education for Wayawapi Ki (students) should be a positive and meaningful experience and a means to prepare them for being a good Wayawapi Ki (student). This means helping Wayawapi Ki (students) attain physical, mental, spiritual, cultural, and social well-being in their families, communities, the Tribe, global community, academic settings, employment, and military careers.
- (2) Teaching and demonstrating how to be a good Wayawapi Ki (student) and how to attain physical, mental, spiritual, cultural, and social well-being are integral to preserving, protecting, and perpetuating the existence of the Tribe.
- (3) The Tribal Education Department may;
 - A. have the authority and duty to provide leadership and guidance in teaching and demonstrating how to be a good Wayawapi Ki (student) by attaining physical, mental, spiritual, cultural, and social well-being for all Wayawapi Ki (students), including the Two Spirit wakanyeja.
 - B. build and maintain partnerships with families, communities and All Educational Institutions to provide awareness of the kinship rules and expectations of the Tribe for conduct and behaviors for being a good Wayawapi Ki (student).
 - C. implement initiatives to revitalize and preserve traditional knowledge, standards and practices of the Tribe regarding physical, mental, spiritual, cultural, and social well-being.
 - D. have the authority and duty to provide leadership and guidance to Governing Bodies on implementing initiatives regarding informed teaching methods and practices to address historical and intergenerational trauma.
- (4) Governing Bodies may;
 - A. provide leadership and guidance in teaching and demonstrating how to be a good Wayawapi Ki (student) and how to attain physical, mental, spiritual, cultural, and social well-being for all Wayawapi Ki (students), including the Two Spirit wakanjeja.
 - B. build and maintain partnerships with families, communities, and the Tribal Education Department to provide awareness of the kinship rules and expectations of the Tribe for conduct and behaviors for being a good Wayawapi Ki (student).

- C. implement initiatives to revitalize and preserve the traditional knowledge, standards and practices of the Tribe regarding physical, mental, spiritual, cultural, and social well-being.
- D. implement initiatives and training for administrators, instructors, Faculty and Staff on informed teaching methods and practices to address historical and intergenerational trauma.

(c) Family, Community, and Tribal Engagement in Education.

- (1) It is the policy and the practice of the Tribe to encourage and support meaningful and on-going family, community, and tribal engagement in education for Wayawapi Ki (students) from early childhood through post-secondary education. Family, community, and tribal engagement should take into account Lakota language, culture, and history.
- (2) The Tribal Education Department may have the authority and duty to ensure that Governing Bodies have and use family, community, and tribal engagement education policies that are consistent with applicable federal, state, and tribal law.
- (3) Governing Bodies may have and use family, community, and tribal engagement education policies that are consistent with applicable federal, state, and tribal law. The policy may, at a minimum, provide for timely and meaningful communication between All Educational Institutions and families, communities, and the Tribal Education Department.
- (4) The Tribal Education Department may have the authority and duty to provide technical assistance and advocacy to Governing Bodies in developing, understanding, and implementing family, community, and tribal engagement in education policies.
- (5) Technical assistance may be provided through a Consortium and through other resources identified by the Tribal Education Department, including resources from federal, state, and private agencies or organizations.
- (6) Consistent with applicable federal, state, and tribal law, the Tribal Education Department may have the authority and duty to take into account family, community, and tribal engagement in education policies in the accreditation of All Educational Institutions. The Tribal Education Department may report instances of non-compliance by All Educational Institutions with family, community, and tribal engagement in education laws and policies to the Tribal Education Committee.

(d) Abuse, Neglect, and Violence.

- (1) It is the law and policy of the Tribe to discourage conduct and behaviors that negatively impact the health and wellness of Wayawapi Ki (students). The following particular and prevalent conduct and behaviors have been identified by the Tribe as being negatively impactful:
 - A. Abuse;
 - B. Neglect; and,
 - C. Violence.
- (2) The Tribal Education Department shall have the authority and duty to ensure that Governing Bodies comply with all applicable federal, state, and tribal laws and policies governing instances of neglect, abuse, and violence against Wayawapi Ki (students). The Tribal Education Department is mandated by law to report such instances to the appropriate authorities. LOC Title 5, Ch. 8, Sec.6.
- (3) Governing Bodies shall comply with all applicable federal, state, and tribal laws and policies governing instances of neglect, abuse, and violence against Wayawapi Ki (students). Governing Bodies shall report such instances to the appropriate authorities.
- (4) The Tribal Education Department may have the authority and duty to develop, administer, and implement Tribal laws, policies, and programs, subject to applicable federal, state, and tribal law and the approval of the Tribal Council, to address instances of neglect, abuse, and violence against Wayawapi Ki (students) in All Educational Institutions.
- (5) The Tribal Education Department may have the authority and duty, upon request of the Tribe, a Governing Body, or a family, guardian or community, to provide technical assistance and advocacy to Governing Bodies and families, communities, and the Tribe to address instances of neglect, abuse, and violence Wayawapi Ki (students) in All Educational Institutions.

(e) Abuse Reporting.

- (1) All Educational Institutions shall provide the Tribal Education Department with copies of their abuse reporting policies.
- (2) Consistent with applicable federal, tribal, and state law, All Educational Institutions may provide the Tribal Education Department with notice of any reported abuse, and notice of any reported abuse investigation, decision, or action. LOC Title 5, Chapter 8, Secs. 6-9.

- (3) All Educational Institutions may provide the Tribal Education Department with an annual report of instances of abuse.
- (4) The Tribal Education Department may have the authority to report in good faith any incidents or evidence of non-compliance with this Code Section to the appropriate authorities, including law enforcement authorities, and to the Tribal Council. The Tribal Education Department may provide or require follow-up to its reporting.
- (5) Nothing in this Section may prohibit or limit the Tribal Education Department from developing or recommending a tribal policy on abuse reporting for All Educational Institutions.

21-5. TRIBALLY CHARTERED EDUCATION CORPORATIONS AND ENTITIES, EARLY CHILDHOOD EDUCATION, AND POST-SECONDARY EDUCATION

21-5-1. Tribally Chartered Education Corporations and Entities

- (a) Applicability of Code. Consistent with applicable federal, state, and tribal law, including but not limited to LOC Title 15, Tribally Chartered Education Corporations and Entities are All Educational Institutions subject to this Code. Non-compliance with this Code by Tribally Chartered Education Corporations and Entities may be reported to the Tribal Education Department and the Tribal Education Committee.
- (b) Existing Tribally Chartered Education Corporations and Entities. As of the date of enactment of this revised Tribal Education Code, the Tribal Council has issued charters for the following Tribally Chartered Education Corporations and Entities, all of which are within the definition of All Educational Institutions under this Code:
 - (1) Sicangu Oyate Ho, Inc. Sicangu Oyate Ho, Inc., by Resolution No. 82-14 (Dec. 3, 1970), for the operation of St. Francis Indian School on the Reservation, as reinstated and amended by Resolution No 2007-126 (July 22, 2009).
 - (2) Sinte Gleska University. Sinte Gleska University, by Resolution No. 71-01 (Feb. 2, 1971), as amended by Resolution 92-51 (Mar. 11, 1992) to provide for higher (post-secondary) education on the Reservation.
 - (3) Sicangu Owayawa Oti. Sicangu Owayawa Oti, by Resolution No. 98-168 (July 14, 1998), for the operation of a dormitory on the Reservation.

- (c) Future Tribally Chartered Education Corporations and Entities.
 - (1) After the date of enactment of this revised Tribal Education Code, upon receipt of a proper application for a Tribally Chartered Education Corporation or Entity, the Office of Corporations under LOC 15-1-105 may notify the Tribal Education Department and include the Department in the review of the application.
 - (2) Unless their charter provides otherwise, Tribally Chartered Education Corporations and Entities created after the enactment of this revised Tribal Education Code are within the definition of All Educational Institutions under this Code.
- (d) Role of Tribal Education Department. Notwithstanding the provisions of LOC Title 15 or any other tribal law, actions or decisions by the Tribal Council regarding Existing and Future Tribally Chartered Education Corporations and Entities, including but not limited to proposed amendments to or proposed revocation of their charters, may be reviewed by the Tribal Education Department for the Tribal Education Department's recommendations to the Tribal Education Committee or the Tribal Council.

21-5-2. Early Childhood Education

- (a) Advisory Committee. The Tribal Education Department may establish an Early Childhood Education Advisory Committee to assist the Department in implementing this Code.
- (b) School Readiness. Early Childhood Education programs and services shall provide the Tribal Education Department with copies of their requirements and policies for preparing Wayawapi Ki (students) for post-Early Childhood Education school readiness and shall report their compliance with such requirements and policies to the Department. The Tribal Education Department may assist Early Childhood Education Programs and services with compliance with their requirements and policies for preparing Wayawapi Ki (students) for post-Early Childhood Education and may report non-compliance to the Tribal Education Committee or Tribal Council.
- (c) Family and Community Engagement in Education. Early Childhood Education programs and services shall provide the Tribal Education Department with copies of their requirements, policies, activities, training, and resources for family and community engagement in education, and shall report their compliance with the requirements and policies to the Department. The Tribal Education Department may assist Early Childhood Education Programs and services with compliance with their family and community engagement in education requirements and policies and may report non-compliance to the Tribal Education Committee or Tribal Council.

- (d) Disabled Wayawapi Ki (students). Early Childhood Education programs and services shall provide the Tribal Education Department with copies of their requirements and policies for identifying and serving Disabled Wayawapi Ki (students) and shall report their compliance with such requirements and policies to the Department. The Tribal Education Department may assist Early Childhood Education programs and services with compliance with their special education and disabled student requirements and policies and may report non-compliance to the Tribal Education Committee or Tribal Council.
- (e) Tribal Early Childhood Education Requirements and Policies. Consistent with applicable law, the Tribal Education Department may develop or recommend Tribal Early Childhood Education requirements and policies for adoption by the Tribal Education Committee or Tribal Council.

21-5-3. Post-Secondary Education

- (a) Accreditation. Sinte Gleska University is subject to the accreditation requirements and other accreditation provisions in this Code governing All Educational Institutions.
- (b) Reporting. Sinte Gleska University is subject to the reporting requirements and other reporting provisions in this Code governing All Educational Institutions.
- (c) Grants and Scholarships. The Tribal Education Department has the authority and duty, consistent with applicable federal and tribal law, to seek funding for and to administer grants and scholarships for post-secondary education of Wayawapi Ki (students). The Tribal Education Department may have the authority and duty to provide technical assistance upon request to All Educational Institutions and Wayawapi Ki (students) with grants and scholarships for post-secondary education of Wayawapi Ki (students).

21-6. INDIAN PREFERENCE

21-6-1. Indian Preference

- (a) Tribal Council and Tribal Education Department may apply Indian preference. In implementing this Tribal Education Code, the Tribal Council and the Tribal Education Department may apply Indian preference in the hiring, training, retention, and promotion of all staff, consultants, contractors, and vendors.
- (b) All Educational Institutions may apply Indian preference. All Educational Institutions may, to the extent consistent with applicable federal and tribal law, apply Indian preference in the hiring training, retention, and promotion of all personnel.
- (c) All Educational Institutions may report compliance with Indian preference. All

Educational Institutions may, to the extent consistent with applicable federal and tribal law, annually report compliance with the provisions of this Code on Indian preference to the Tribal Education Department.

- (d) Tribal Education Department may evaluate and report compliance by All Educational Institutions with Indian preference. The Tribal Education Department may regularly evaluate compliance, to the extent consistent with applicable federal and tribal law, by All Educational Institutions with the Indian preference provisions of this Code. The Tribal Education Department may annually report to the Tribal Council its findings and recommendations regarding compliance with the Indian preference provisions of this Code, including in the Annual State of Sicangu Education Report.

21-7. APPROPRIATIONS AUTHORIZATION

21-7-1. Appropriations Authorization

Subject to availability, the Tribe authorizes such amounts as may be appropriated for the Tribal Education Department to administer and implement this Tribal Education Code, including funds for personnel and related support.