

NORTHERN ARAPAHO CODE

Title 8. EDUCATION

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CHAPTER 1: GENERAL PROVISIONS

Section 101 - Title. This Title is the Education Code of the Northern Arapaho Tribe and it may be cited as the Tribal Education Code, 8 N.A.C. 101 et seq.

Section 102 - Disclaimer regarding the Eastern Shoshone Tribe. By enacting this Code, the Northern Arapaho Tribe asserts no claim of authority or jurisdiction whatsoever regarding the educational goals, policies, rules, standards or objectives established or to be established by the Eastern Shoshone Tribe.

Section 103 - Authority.

(a) Inherent Authority over Formal Education. The Northern Arapaho Tribe has inherent sovereign authority over the education of its members and enacts this Code in the exercise of such authority.

(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 of the Northern Arapaho Tribe apply to the maximum extent of the jurisdiction of the Tribe.

(c) Authority of the Business Council to Negotiate Agreements to Implement the Tribal Education Code. The Northern Arapaho Business Council may negotiate with federal, state, and other tribal governments, or their political subdivisions, any agreements necessary to implement the policies and provisions of this Code.

(d) Other Rights and Powers not Abrogated by Authority over Formal Education. In exercising its authority over education, the Northern Arapaho Tribe does not sanction or cause any abrogation of the other rights of the Tribe or its members based upon inherent sovereign powers or federal law, nor does it diminish any trust responsibility of the federal government, including but not limited to obligations set forth in the applicable treaties or of the state government or any political subdivisions thereof, including without limitation, the obligation to provide a non-discriminatory public education.

Comment: See 25 U.S.C. 231, which permits the Secretary of Interior to allow state authorities to enforce state compulsory school attendance laws against Indian children but only if the tribe involved has adopted a resolution consenting to the same.

Section 104 - Findings, Intentions and Purposes, and Declaration of Policy.

(a) Findings. The Northern Arapaho Tribe finds that:

(1) Achievement levels at elementary and secondary schools on the Wind River Indian Reservation with high Native American enrollment are notably low;

(2) Dropout rates in the secondary schools on the Wind River Indian Reservation are exorbitant when compared to State of Wyoming and national averages;

(3) Although all elementary and secondary schools on the Wind River Indian Reservation have been tested using the WyCAS standardized testing methods for achievement levels, the measured effectiveness is questionable;

(4) Indian studies are not taught in all elementary and secondary schools on the Wind River Indian Reservation and when they are, they are taught only on a limited basis. Specific tribal studies curricula have not been fully developed or implemented in any school system;

(5) The Arapaho language is not taught in all schools on the Wind River Indian Reservation;

(6) The Northern Arapaho Tribe has an official orthography for writing and pronouncing the Northern Arapaho language;

(7) The percentage of Indian faculty in elementary and secondary schools on the Wind River Indian Reservation is far below the percentage of Indian students attending those schools;

(8) Parenting and family life education is critically needed to encourage positive, effective parenting skills, as well as effective parental involvement in the schools;

(9) Parental and community involvement in the Wind River Reservation Schools is adequate, but parental and community involvement in local schools outside the Reservation is minimal. Such involvement 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. Recognizing that a good formal education is critical to the survival of the Northern Arapaho 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 in the best interest of the Tribe and its members.

Comment: In 2003, students in the fourth grade in the Wind River Reservation schools scored in the eighteenth percentile (18%) on the national scale in reading, and in the thirteenth percentile (13%) in mathematics. Students in the twelfth grade at Wyoming Indian High scored in the thirty-second percentile (32%) on the national scale in reading, and in the twenty-ninth percentile (20%) in mathematics. In 2001-2002, the average dropout rate for the state of Wyoming was 5.87%. On the Wind River reservation, the rate for Wyoming Indian High school was 12.20% with an average of 16.67% from the school years 1991-2002 and a maximum of 23.77% for the 1997-98 school year.

A report by the State of Wyoming in 2002 indicated that low academic levels among Indian youth is prevalent. The Wind River Indian Reservation was rated among the highest area for at-risk youth.

December 2002 enrollment at St. Stephens was 277 students, of which 98% were Indian. 52 were evaluated with learning disabilities and 18 of the 52 had speech/ language disabilities. State studies of educational levels in Wyoming school districts found children in the Wind River Reservation area schools scored far below the national average.

St. Stephens Indian School, Wyoming Indian Elementary, Middle and High School, Arapaho school and the Arapaho Emersion pre-school offer Arapaho Language programs. These programs are not offered in any other elementary or secondary schools on the Wind River Indian Reservation;

The ratio of Indian teachers to Indian students on the Reservation remains low. For example, Wyoming Dept. of Education figures show that in 2004, 98% of the students in District 38 (Arapahoe) were Indian but only 24% of the teachers were Indian; that 99% of the students in District 14 (Wyoming Indian) were Indian but only 32% of the teachers were Indian. While Riverton schools had 348 Indian students in 2006, the schools employed 0 Indian teachers. In addition, schools have no set criteria for hiring professional personnel other than state certification requirements.

(b) Purposes. The purposes of this Code are to:

(1) Provide the necessary resources to preserve, protect, and perpetuate the Northern Arapaho Tribe with its human and other resources;

(2) Provide a means to promote understanding and coordination of branches, agencies, and entities of the Northern Arapaho Tribe on the purposes, standards, and functions of education on the Wind River Indian Reservation; and

(3) Make education on the Wind River 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 Northern Arapaho Tribe that:

(1) Tribal government must provide for education to protect its members. The most valuable resources of the Northern Arapaho Tribe are its tribal members. To preserve, protect, and perpetuate the human resources within and on the native homelands of the Northern Arapaho, the Tribe must be actively involved with all educational endeavors on the Reservation and in all schools which serve Northern Arapaho students 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 Arapaho language and knowledge of Arapaho culture, government, economics, and environment; knowledge of the history of the Northern Arapaho 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 attitudes which encourage lifetime learning, decision-making, problem solving, 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 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 Department, other education departments and agencies, local schools, other educational institutions, and chartered educational programs and chartered schools; and shall otherwise incorporate the intents, purposes, and policies of this Code to the maximum extent possible;

(4) Tribal government shall work with state and federal governments to improve education. The Northern Arapaho Department of Education shall develop cooperative working relationships with the state and federal governments to improve the education systems on the Reservation; and

(5) The ultimate education goal of the 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 Northern Arapaho Tribe regarding education is tribal self-determination and individual health and growth consistent with this heritage.

Section 105 - Definitions. Unless this 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) Business Council. "Business Council" means the Northern Arapaho Business Council.

(c) Code. "Code" or "this Code" means the Education Code of the Northern Arapaho Tribe.

(d) College. "College" means Wind River Tribal 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) Department. "Department" means the Northern Arapaho Department of Education.

(h) Director. "Director" means the Director of the Northern Arapaho Department of Education.

(i) Education Advisory Committee. "Education Advisory Committee" or "Committee" means the Education Committee of the Northern Arapaho Tribe.

(j) 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.

(k) 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 (including data for specific classes or topics of 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.

(l) 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.

(m) Educators. "Educators" includes but is not limited to: teachers, administrators, counselors, and other professional staff of local schools and other educational institutions.

(n) Governing Body of Another Educational Institution. "Governing body of another educational institution" is the authorized governing body of another 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.

(o) 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 Native peoples.

(p) Local School. "Local school" is any school offering grades kindergarten through twelfth, or any part of that span, located on the Reservation.

(q) Other Educational Institution. "Other Educational Institution" is any school (except Wind River Tribal College) other than a local school that is located on the Reservation, including but not limited to: chartered educational programs, chartered schools, early childhood programs, and any other education program or school authorized by the Northern Arapaho Tribe.

(r) Parent. "Parent" means anyone who is a parent or legal guardian of a student, and includes parent groups and committees established under federal, state, or tribal education laws.

(s) 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.

(t) 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, or tribal law.

(u) Reservation. "Reservation" or "Reservation lands" means all lands within the Wind River Reservation, which Reservation is defined to include:

(1) All lands within the limits or exterior bounds of the reservation as described in the Treaty of July 3, 1868, 15 Stat. 673, less the portions ceded under the Acts of December 15, 1874, 18 Stat. 291, and June 7, 1897, 30 Stat. 93, notwithstanding the issuance of any patent, and including rights-of-way running through the Reservation; and

(2) All lands which may hereafter be added to or made a part of the Reservation.

(v) School. "School" is a place, institution, or process for formal teaching and learning.

(w) School Board. "School Board" is the authorized governing body responsible for developing, maintaining, and locating local schools, and for providing educational opportunities and services.

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

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

(z) Tribal Resolution. "Tribal Resolution" or "resolution" means a resolution of the Northern Arapaho Business Council.

(aa) Tribe. "Tribe" or "tribal" means the Northern Arapaho Tribe and includes the Northern Arapaho people as a distinct

cultural, ethnic, geographical, and political entity.

Section 106 - Construction of Tense Used. In construing the provisions of this Code, the present tense includes the past and future tenses, and the future tense includes the present.

Section 107 - Masculine Gender Inclusive. In construing the provisions of this Code, the masculine gender includes the feminine and the neuter genders.

Section 108 - Reference to Code Includes Amendments. When reference is made to any portion of this Code, the reference shall apply to all amendments and additions made hereafter.

Section 109 - Severability. If any part of this 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 this 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 110 - Repeal of Inconsistent Ordinances. All education ordinances, resolutions, and other laws of the Tribe inconsistent with this Code are hereby repealed. To the extent that this Code differs from any other tribal law regarding education, this Code shall govern.

Section 111 - Effective Date. The provisions of this Code shall be effective on the date of enactment certified by the Northern Arapaho Business Council.

CHAPTER 2: NORTHERN ARAPAHO DEPARTMENT OF EDUCATION

Section 201 - Department of Education. There is hereby created the Northern Arapaho Department of Education with the power and duty to administer and enforce this Code and other tribal education laws unless such powers and duties are otherwise delegated.

Section 202 - Education Advisory Committee.

(a) Establishment; Purpose. There is hereby created the Northern Arapaho Education Advisory Committee for the purpose of advising the Business Council and Director of the Department of

Education regarding the administration of this Code and other education issues in the best interest of the Tribe and students.

(b) Members. The Committee shall consist of no more than 12 members, one of whom shall be designated by the Business Council as Chairman.

(c) Appointment. Members of the Committee shall be appointed by the Business Council from those whom the Business Council deems qualified, giving due weight to the candidates' education, experience and integrity. One member of the Committee shall be nominated by the governing body of each of the following entities:

- (1) Sky People Higher Education Program;
- (2) Wind River Tribal College;
- (3) St. Stephens Indian School;
- (4) Arapaho Language and Culture Commission;
- (5) Northern Arapaho Nation Department of Social Services;
- (6) Tribal Health Services;
- (7) Headstart or other preschool program serving the Wind River Reservation; and
- (8) A substance abuse program serving the Wind River Reservation.

Additional members of the Committee may be nominated by entities designated by the Business Council or by the Business Council itself. At least one member shall be a parent or caretaker of at least one student enrolled in preschool or grades one through twelve in a program or school on the Wind River Reservation.

(d) Terms; Removal. Initial appointments to the Committee shall be as follows: at least half of the members shall serve for eighteen (18) months and the remainder shall serve for three (3) years. Thereafter, all appointments shall be for three (3) year

terms, provided that if a vacancy occurs for any reason, the Business Council shall appoint a replacement for the remainder of the replaced person's term. Committee members may only be suspended or removed by a vote of at least four (4) members of the Business Council, for good cause. Good cause includes, without limitation, failure to attend three or more meetings per calendar year or failure to otherwise fulfill the obligations of a Committee Member.

Section 203 - Director.

(a) Business Council to Employ Director. The Business Council shall employ a Director of the Department of Education, who shall be a full-time employee of the Tribe and who shall maintain an office on the Wind River Indian Reservation, Wyoming. The Director has the power and duty to exercise all powers, duties, and responsibilities of the Department set forth in this Code or other tribal law and as otherwise may be directed by the Business Council.

(1) Qualifications and salary of Director. The Tribal Business Council shall establish the qualifications for and the salary of the Director of the Department of Education;

(2) Education Committee Chairperson to serve as Acting Director during vacancies. During periods in which the Director's position is vacant, the Education Committee Chairperson shall serve in a non-salaried capacity as Acting Director of the Department; and

(3) Director to employ qualified staff of Department. Subject to the approval of the Business 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 this Code. Subject to approval of the Business 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.

(b) Power and Duties of Director. Subject to the authority

of the Business Council, the Director of the Department has the power and duty to:

(1) Administer and enforce this Code. Be the principal administrator and enforcer of this Code. In doing so, the Director shall:

(A) Exercise oversight over the administration and operation of the Department's functions, and over the activities of local schools and other educational institutions;

(B) Maintain current knowledge of the law and procedures in administration and enforcement of tribal education laws, submit to the Business Council at least annually specific recommendations for the improvement and enforcement of this Code, and serve as primary designee regarding educational matters for the Tribe pursuant to 20 U.S.C. 7704 (Impact Aid) and other applicable federal law;

(C) Serve as the principal technical and professional advisor to the Business Council on all matters relating to the Code and education on the Reservation;

(D) 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 services;

(E) Seek and coordinate tribal and non-tribal resources to implement this Code and to improve generally the condition and progress of education on the Reservation; and

(F) Provide regular public reports in local media regarding efforts, development, and funding of the Department.

(2) Maintain office for filing and records. Have and maintain an office on the Wind River Indian Reservation, Wyoming, 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 Business Council; and keep records of all matters pertaining to the Department;

(3) Establish uniform data gathering, compiling, and reporting system. Consistent with any applicable federal or tribal privacy laws, establish a uniform system for the gathering, compiling, and reporting of educational data from local schools and other educational institutions, the Tribe, 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 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 Code, and standards, programs, and rules developed under the Code; and

(C) Conducting, with an evaluation team, on-site visits and assessments of local schools and other educational institutions. In the case of local schools, each team shall include: (1) the Director of the 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 Department; and (2) an appropriate

member of the Bureau of Indian Affairs. 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 General and Business Council, School Boards or governing body; State of the Reservation Education Report. Report the current results of the gathering and compiling of data to the Northern Arapaho General Council, Business 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 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 the provisions of 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 Northern Arapaho Tribe and the State of Wyoming's representative on education matters. Act as a continuous liaison between the Tribe and the State on education matters. This shall include, but not be limited to, attending and interacting at meetings of school boards, the State Board of Education, and the state legislature. The Director shall serve on Tribal or State committees as directed by the Business 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 Department with those of other departments, agencies, offices, entities, and programs of the Tribe, and with those of the state and federal governments; and

(B) To facilitate the coordination of services and activities of the 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 Business Council;

(8) Hire or contract with consultants. Subject to the approval of the Business Council, hire or contract with such consultants as he deems necessary to administer and enforce this Code;

(9) Develop tribal curriculum. With assistance and advice from the Education Advisory Committee, 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) Develop tribal education policies and programs. Develop tribal education policies and programs regarding alcohol, nicotine or tobacco and drug use in accordance with this Code;

(12) Recommend a tribal orthography. Recommend to the Business Council a tribal orthography to be used in Arapaho language instruction on the Reservation;

(13) Report on compliance by local schools with tribal curriculum, standards, and policies. Report on compliance

by local schools with tribal curriculum, education standards and educational policies. Compliance shall be evaluated as part of the data gathering provisions of this Code;

(14) Report on compliance by other educational institutions with tribal curriculum, standards, and policies. Report on compliance by other educational institutions with tribal curriculum, education standards and educational policies. Compliance shall be evaluated as part of the data gathering provisions of this Code;

(15) Report on 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 report on 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;

(16) With Wind River Tribal College, develop accredited tribal recertification courses for educators, and work with the College in other areas. With Wind River Tribal 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;

(17) 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;

(18) Develop rules. Develop and recommend to the Business Council such rules or action (including proposed amendments to this Code) as he/she 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 Business Council unless the Council otherwise provides. The Business 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; and

(19) Coordinate with the Advisory Committee. Coordinate his activities with the Advisory Committee to promote the purposes of this Code.

(c) 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 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 Business 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 Business Council; and

(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 Department, and shall adhere to established tribal expenditure policies and procedures in administering the appropriation. The Director shall maintain regular contact with the finance department of the Tribe on accounting matters, and shall cooperate with auditors during audits and as otherwise required by law.

The Director shall be responsible for all tribal properties assigned to the Department and the proper use thereof.

CHAPTER 3: SCHOOL BOARDS AND GOVERNING BODIES

Section 301 - School Boards.

(a) Applicable Requirements and Standards. The Department shall work with school boards and other governing bodies administering schools within the Wind River Indian Reservation to promote compliance with the requirements of and standards developed pursuant to this Code.

(b) School Boards to Cooperate. The Department shall work with school boards and other governing bodies administering schools within the Wind River Indian Reservation 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: sharing written educational data; encouraging educators to participate effectively in the human network system provided for by this Code; and encouraging administrators to participate effectively in the on-site assessment evaluation teams provided for by this Code.

(c) School Board Policies and Procedures. The Department shall maintain a complete and current copy of all existing written policies and procedures regarding schools on the Wind River Indian Reservation. The Department shall identify existing school policies and procedures which are inconsistent with this Code and provide technical assistance to the school for amendments to make the policies or procedures consistent with this Code.

(d) School Boards to Include the Department in their Review of 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 should provide meaningful participation for the Department in their established processes used for reviewing applicable curriculum, education standards, and educational policies and programs.

(e) Curriculum and Standards for Local Schools. Local

school boards should ensure that their schools provide instruction that is in substantial compliance with the tribal curriculum provided for and developed under this Code.

(f) Tribal Education Standards. Local school boards should ensure that their schools attain or meet the tribal education standards provided for and developed under this Code.

(g) Tribal Educational Programs. Local school boards should ensure that their schools provide or ensure student access to the tribal educational programs provided for and developed under this Code.

Section 302 - Compliance Evaluation. The Education Department shall regularly evaluate compliance with the provisions of this Chapter by local school boards and other governing bodies. The Department shall annually report its findings and recommendations regarding such compliance to the Business Council.

CHAPTER 4: CURRICULUM AND EDUCATION STANDARDS

Section 401 - Curriculum.

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

(1) 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 the governing bodies of other educational institutions;

(3) Consult with and obtain the comments of educators, community members, parents, and students;

(4) 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 in the areas specified by

this Code;

(6) 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 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 the curriculum, or changes, or both, to the Business Council in the form of proposed tribal curricula objectives for adoption or amendment.

(b) Business Council to Establish Tribal Curriculum. The Business Council shall establish tribal curriculum for use in local schools on the Wind River Indian Reservation.

(c) Department to Maintain Curriculum for Public Inspection. The 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) Arapaho language. Because the Arapaho 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 Arapaho language. The Director of the Department shall recommend to the Business Council a proposed tribal orthography for adoption or amendment. The Business Council shall establish a tribal orthography to be used in Arapaho language instruction on the Reservation. Instruction by local schools and other educational institutions in the Arapaho language shall follow the official tribal orthography adopted by the Business Council;

(2) Arapaho 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, Arapaho 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 Arapaho culture;

(3) Tribal government and governmental 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) 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) Parenting and family. 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; responsibilities of parents to pass on tribal culture to their children; tribal 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 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; and

(7) 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, water, minerals and other natural resources. Such courses or course content shall include, without limitation, the historical development of the reservation landbase, the legal status of reservation tenure, cultural philosophies and value orientations about reservation natural resource uses, past and contemporary management practices of tribal natural resources, socioeconomic impacts of tribal natural resource development, physical environmental impacts of tribal natural resource development, contemporary perspectives about global environmental issues, and vocational careers in tribal land and resource management and decision-making.

Comment: Congressional policy is to "preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages." 25 U.S.C. 2903(1), Native American Languages Act.

(e) Local Schools and Other Educational Institutions to Promote Tribal Curriculum. All local schools and other educational institutions shall encourage or provide instruction that is in substantial compliance with the tribal curriculum established by the Business Council. All students who graduate from local schools and other educational institutions must be familiar with the subjects required by tribal curriculum under this Code.

(f) Department to Evaluate and Report Compliance. The 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 Business Council.

Section 402 - Education Standards.

(a) Procedures for Developing Tribal Education Standards.

In developing tribal education standards, the Department shall:

(1) 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 the English language and knowledge of the non-Indian American culture, governments, economics, and environment; competence in Arapaho language and knowledge of Arapaho culture, government, economics, and environment; knowledge of the history of the Northern Arapaho 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 lifetime learning, decision-making and undertaking of responsibilities in family life, community and tribal affairs, employment, recreation, and the use of environment; and parental and community involvement in the formal education process whereby the educational aspirations and the cultural values of parents and community members are promoted and respected;

(2) Coordinate and consult with school boards and the governing bodies of other educational institutions;

(3) Consult with and obtain the comments of educators, parents, and members of the community;

(4) Draft tribal education standards consistent with tribal law;

(5) 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 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 the draft tribal education standards to the Business Council in the form of proposed tribal education standards for adoption or amendment.

(b) Business Council to Establish Standards. The Business Council shall establish tribal education standards for the Northern Arapaho Tribe.

(c) Compliance Evaluation. The Education Department shall regularly evaluate compliance by local schools and other educational institutions with tribal education standards. The Department shall annually report its findings and recommendations regarding compliance with tribal education standards to the Business Council.

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

CHAPTER 5: EDUCATIONAL POLICIES AND PROGRAMS

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

(a) Laws Prohibiting Drugs, Controlled Substances, and Public Consumption of Alcohol. 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) 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, without limitation: information about health curricula and educational policies and programs provided for and developed under this Code; and information about the policies of this Code as they relate to the health and survival of the Tribe.

(c) Procedures for Developing 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 Department shall:

(1) 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 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 and obtain the comments of educators, community members, parents, tribal elders, and students;

(4) Coordinate and consult with school boards and the governing bodies of other educational institutions;

(5) Draft tribal alcohol, nicotine or tobacco, and drug abuse education policies and programs consistent with the policies and programs of local schools, and tribal law;

(6) 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, tribal elders, members of the community, and other such persons as deemed necessary;

(7) 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 the draft policies and programs to the Business Council in the form of proposed policies and programs for adoption or amendment.

(d) The Business Council shall Establish Tribal Alcohol, Nicotine or Tobacco, and Drug Abuse Education Policies and Programs for the Northern Arapaho Tribe.

(e) Local Schools and Other Educational Institutions shall Adopt 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 Business Council.

(f) The Department shall Regularly Evaluate Compliance by Local Schools and Other Educational Institutions with Tribal Alcohol, Nicotine or Tobacco, and Drug Abuse Education Policies and Programs. The 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 Business Council.

Section 502 - Parental and Community Involvement.

(a) Department to Include Parents and Community Members. The Department shall include parents and community members in the implementation and refinement of this 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 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) Annual In-Service Training. The 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. 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. 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 Department, they shall review their procedures for communication between the parents and the schools, and shall review the effectiveness of those procedures. With the Department and parents, they shall strive to develop ways to improve such procedures.

(d) Compliance Evaluation. The Department shall regularly evaluate the compliance by and progress of local schools and other educational institutions with the provisions of this Code regarding parents and community.

(e) 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.

Section 503 - Student Attendance. The failure of students to attend school in accordance with school policies is a serious threat to the health and welfare of the student and to the future of the Tribe. The Department shall develop, in consultation with tribal elders, school boards, parents, and others:

(a) programs,

(b) attendance rules, and

(c) enforcement methods which address this intractable problem. The Department shall develop innovative approaches which include a focus on the student and the student's family, friends, and community.

Section 504 - Continuing Education. The Department shall encourage and assist and may develop, in conjunction with Wind River College and other institutions, continuing educational and training programs and materials for adults which further the purposes of this Code.

CHAPTER 6: 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 Code.

(b) Training. The Department shall regularly identify recertification areas appropriate for educators. In such identification, the Department shall consult and coordinate with school boards, the governing bodies of other educational

institutions, and Wind River Tribal College. The 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 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. In addition, the Department shall regularly evaluate educator compliance with applicable recertification standards developed pursuant to this Code and report such evaluations to the Business Council and the local school or educational institution which employs the educator.

(d) Certification. The Tribe shall recognize successful completion of accredited tribal courses as qualifying to meet tribal recertification requirements for educators.

CHAPTER 7: INDIAN PREFERENCE

Section 701 - Indian Preference.

(a) Business Council and Department to Apply Indian Preference. In implementing this Code, the Business Council and the 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 or federal Indian preference laws.

(c) Department to Evaluate and Report Compliance by Local Schools and Other Educational Institutions with Indian Preference. The Department shall regularly evaluate compliance

by local schools and other educational institutions with the Indian preference provisions of this Code. The Department shall annually report to the Business Council its findings and recommendations regarding compliance with the Indian preference provisions of this Code.

(d) Nepotism not Permitted. The Indian preference requirements of this Code shall be applied with due regard for the qualifications, experience, ability, and integrity of personnel and applicants, and without regard to personal friendships or relations which may otherwise benefit or suffer as a result of personnel decisions.

(e) Suspension of Chapter to Avoid Denial or Loss of Approval or Assistance. To the extent necessary to avoid a denial or loss of approval, funds, services, or other assistance from the United States or other entity which would otherwise be available to the Tribe or the Department, the Business Council may by written resolution suspend, in whole or in part, one or more provisions of this Chapter. Such suspension shall be effective only so long as and to the extent necessary to avoid the contemplated denial or loss.

History: 2006. Title 8. The Education Code was enacted by the Northern Arapaho Tribe by resolution of the Northern Arapaho Business Council dated May 4, 2006, Resolution No. 2006- 9070.