



Tribal Code Overview and Summary:

Hopi Education Code Ordinance #36 and Comparative Tribal Education Codes



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1 EXECUTIVE SUMMARY

Using funds from the Tribal Education Department (TED) grant, the Hopi Tribe has hired consultant **Public Works LLC** to help the Hopi people facilitate the process of developing a comprehensive education system. That task includes analysis of Hopi Education Ordinance #36, as well as analysis of other related tribal education codes. We split the analysis into three parts:

1) Hopi Education Code and Related Resolutions

The Hopi Tribal Council passed Hopi Ordinance #36 in 1981 in preparation for the first round of transitions to tribally-controlled schools. It has changed somewhat since that time through subsequent Tribal Council resolutions, but it has not been updated sufficiently to encompass all the tribally-controlled schools.

2) Other Tribal Education Codes

After evaluating Hopi Ordinance #36, we observe that the other tribal education codes range significantly in their length, level of detail, and their governance structure, among other characteristics. Based on this broad range, we have categorized the tribal education codes generally as follows:

- **Brief Codes:** Many of the tribes we visited are doing extraordinary things with minimal code language and/or little authority over the local schools.
- **Minimal Codes with Comprehensive Systems:** Three of the tribal codes reviewed have fully unified school systems.
- **Detailed Codes:** Most of the codes examined describe tribal education departments working in partnership with their autonomous local school boards.

For the more detailed codes, we also included a hierarchical chart under each tribal code summary to illustrate that tribe's governance structure.

3) Consistent Themes in Tribal Education Codes

The tribal codes reviewed provide multiple options for the Hopi to consider on topics relevant to the ongoing conversation about developing a comprehensive education



system. Because the Hopi people will be deliberating their priorities, we have highlighted consistent themes and included examples from other tribal codes under each theme, such as:

- Inherent tribal sovereignty over education
- Management structure
- Relationship between the tribe and the local schools
- Education standards
- Culturally relevant curriculum and instruction
- Development of tribal language curricula and instruction
- Development of tribal history curricula
- Requirements for educators
- Attendance and truancy
- Innovative programs

This tribal code summary marks the *beginning* of our consulting project. We hope that this analysis informs the Hopi people in their dialogue and provides a variety of options for how to structure their comprehensive education system. They may choose to focus on standards, curriculum, culture, history, language, data and reporting requirements, as well as a range of governance structures. We will likely mention the idea of “multiple options” repeatedly, to remind the Hopi educational leaders and community members alike that this is an ongoing process where our team will provide analysis, recommendations, and options so the Hopi people can engage, deliberate, and make decisions about what serves their community best.

As the Hopi community moves through its educational process, it is important to remember that the other tribes’ codes are only frameworks, and that *how they govern in reality* may differ to some degree from these codes. For more information on this issue, please see our detailed “Tribal Visits Report,” which gives extensive details about ten tribes’ experiences with their school systems.

2 HOPI EDUCATION CODE & RELATED RESOLUTIONS

2.1 HOPI EDUCATION ORDINANCE #36

On May 4, 1981, the Hopi Tribal Council passed Hopi Tribe Resolution H-31-81 and Ordinance #36, now referred to as the Hopi Education Code. In summary, Ordinance #36 sets forth a “framework for a cooperative and mutually beneficial association of all educational entities located on the Hopi Indian Reservation and serving Hopi people.” (See Section 1.) The basis of the organization of the Hopi Comprehensive Education system are the local school boards each distinguished from the other in terms of attendance area, educational services provided, and source of financial support.” (See Section 5.) While the core of the system relies on the local school boards, representatives of those local boards form a Hopi Board of Education (HBE), which is called upon to play an important role. (See Section 6.3.)

Most importantly, the HBE:

- Serves as agency-wide School Board;
- Ratifies, reject or amend the Hopi Agency financial plan;
- Devises plans for the increase and management of reservation-wide education funds;
- Assesses reservation-wide educational needs;
- Sets reservation-wide educational goals;
- Sets minimum reservation-wide education standards; and
- Prepares an annual report on the status and future development of the Hopi Education System.

The Hopi Department of Education also provides administrative support to the HBE, and the Director of that department sits on the HBE as an “ex officio” member.

This model, whereby a tribal-level “regulated entity” serves to assess needs, set goals, and report back to the Hopi, is one set up by many tribal education codes. This model can be effective, but it needs clear definitions, consistent management and funding, and

strong relationships between the HBE and the schools. To date, without this capacity, neither the HBE nor the Department have fulfilled the Ordinance's current mandates.

2.2 HOPI TRIBAL COUNCIL RESOLUTION H-115-95

In 1995, pursuant to Hopi Tribal Council Resolution H-115-95, the Hopi Tribal Council reaffirmed that the HBE was the “policy-making body for the Hopi Comprehensive System” and recognized that it needed a “permanent staff” to carry out its duties. As such, Resolution H-115-95 amended Ordinance #36, the Hopi Education Ordinance, by adding a Section 6.3.Q to “employ a permanent staff as necessary to carry out the purposes of this Ordinance, subject to the availability of funds.”

2.3 HOPI TRIBAL COUNCIL RESOLUTION H-100-2002

In 2002, the Hopi Tribal Council passed Resolution H-100-2002, which supported the “rights of parents to choose the bureau-funded schools their children will attend, regardless of established attendance boundaries.” However, “the students residing within the attendance area should be given enrollment priority.” According to the new “Open Enrollment Policy,” attendance boundary waivers were no longer required. However, an affected out-of-boundary school still needed space capacity, and the travel distances had to satisfy the guidelines.

This resolution was allowed because Congress recognized the right of a tribal governing body to authorize bureau-funded schools to receive funding to enable them to provide transportation to and from school for any student living outside of the approved attendance area (Title X, Part B, Section 1124(d)(2) of PL 107-110, of No Child Left Behind Act of 2001).

2.4 2010 PROPOSED AMENDMENTS

In 2010, the Hopi Tribal Council created a Revision Team to consider updates to the Ordinance and ways to strengthen the comprehensive Hopi educational system. The team met, reviewed, drafted proposed amendments to Ordinance #36. If the amendments had been passed, the Hopi Board of Education (HBE) would have had more powers, along with the Hopi Department of Education. The Department's additional powers would have included developing tribal curriculum and supporting, providing oversight, and facilitating Hopi language instruction development. The local school boards would still have had the power to hire and fire staff, and they would have been required to collect and provide more data annually to the HBE.

However, although the Revision Team reached Round 4.10 (final version) on July 20, 2010, and community presentations were scheduled in 2011, there is no evidence that the Hopi Tribal Council passed the amendments. (See <https://beyondthemesas.com/tag/1981-hopi-tribe-education-ordinance/>). They are included here solely to inform the conversation. Moreover, around this time, the HBE was defunded by the Tribal Council, and all conversations stopped until 2015.

2.5 HOPI TRIBAL COUNCIL ACTION ITEM #116-2015

On March 24, 2016, the Hopi Tribal Council established a new Health and Education Committee to revise Action Item #116-2015 and Resolution, revise the scope of work, and determine points of contact for the Tribal Education Department (TED) grant. One goal included reviving the Hopi Board of Education (HBE). According to Committee member Albert Siquah, “Education is very critical. In order to get a solid foundation, it has to start on the reservation by organizing these schools to be consistent in their programs, services and school boards (*Hopi Tutuveni*, April 19, 2016.)

Subsequently, the Hopi Tribal Council hired **Public Works** to conduct this analysis, visit with other tribes to gather promising practices, and conduct a feasibility study.

2.6 POSSIBILITIES FOR CHANGE

We hope that this analysis informs the Hopi people in their dialogue and provides a variety of options as models for structuring their comprehensive education system. They can choose to focus on any combination of topics, including (but not limited to) standards, curriculum, culture, history, language, data and reporting requirements, as well as a range of governance structures.

Objectives: In order to proceed, the Hopi people will need to determine what they want, and what they do not want, from a revised education code. Based on the tribal education codes examined here, it is clear that there are multiple approaches to supporting tribal schools. The Hopi people will need to consider whether they want a tribal-level entity that serves a collaborative function, provides guidance, monitors the schools, reports to the Tribal Council and the community, and/or one that functions in some other way. Some of the different roles fulfilled by the educational entities of other tribes include:

- **Advisor:** Advise tribal council on education-related matters.

- **Monitor, Evaluator, and Reporter:** Create unified student data system used for all schools; collect data and draft an Annual State of the Education Report; conduct on-site evaluations of schools; conduct research, planning, and evaluation of educational services; draft tribal education goals, meet with school boards to discuss those goals, monitor the problems and progress; and/or provide oversight, mentoring, and professional support to principals (superintendent model);
- **Technical Advisor and Provider of Guidance and Support:** Act as a technical advisor to schools; bring schools' leaders and managers together to share best practices; conduct a crosswalk between the tribal ways of passing along knowledge and the Common Core standards; and/or develop an Education Pipeline to support schools and students (0-20);
- **Collaborator/Director of Education Initiatives:** Work with non-education tribal programs (i.e. law enforcement, tribal court, health services, and social services); coordinate resources; write grants; develop an attendance protocol and work with truancy courts to implement it; develop and conduct pre-school readiness assessment; align Head Start with kindergarten; create an alternative education program; and/or work with the nearby community college;
- **Preserver and Maintainer of Tribal Language, Culture, and History (as related to education):** Develop, establish, and/or implement tribal education standards, curriculum, and policies regarding tribal language, history, social studies, government, and culture; develop native language certification for educators; communicate information and instructions regarding education standards, policies, and programs; work in cooperation with the Cultural Committee to identify and gather materials, which can lead to joint development of strategies and plans to integrate these materials into classes and through teacher training; work with Cultural Preservation Office to develop/maintain a language orthography; and/or create a language immersion program.

Governance Structure: There exist a variety of options for structuring a tribal-level education entity. The entity may be a Tribal Council Education Committee, Unified School Board, Education Department, or Schools' Superintendent, or be structured as some combination of the above. It may also be organized according to a variety of possible hierarchical structures. In general, the most appropriate governance structure will depend

largely on the whether the education entity is tasked with managing schools directly, or supporting them indirectly.

- **A unified school district that directly manages the schools:** The Hopi could choose to apply the Cherokee Model (an elected School Board supervises the schools' superintendent), the Choctaw Model (Tribal Council oversees an Education Department, which supervises the schools' superintendent), or the Mille Lac model (authority is shared between an elected School Board and the tribal council ("Band Assembly"), which retains some controls).
- **A tribal-entity that indirectly supports locally autonomous schools:** This can be accomplished by setting up monitoring and reporting structures similar to those set forth in nine education codes summarized in this report: Hopi, Skokomish, Ho Chunk, Stockbridge-Munsee Band of Mohican Indians, Yankton Sioux, Rosebud Sioux, Standing Rock Sioux, Oglala Sioux, or the Navajo Nation.

Community Input, Capacity, and Accountability: Regardless of the structure chosen by the Hopi, a revised code needs to provide an effective means of compliance, transparency, community input, and accountability. For it to be implemented with fidelity, the code will need to include a system of meaningful consequences that rewards strong leadership, community engagement, and effectiveness. For full and sustained implementation, the Tribe also needs to consider capacity building as part of the community building and decision-making process. It will also need to provide for adequate and sustained funding.

In order to be meaningful, education codes must be both practical and enforceable. It is important for Hopi community leaders to evaluate the benefits and challenges of each type of code requirement. Some of the requirements may sound appealing, but without extensive capacity building, continuous funding sources, or compliance mechanisms, they serve only as hopeful aspirations, not as genuine requirements.

3 OTHER TRIBAL EDUCATION CODES

As noted earlier, the tribal education codes range significantly in their length and level of detail. They are also diverse in how oversight of local schools and school boards is provided.

Brief Education Codes

The “brief education codes” were generally short because the tribes did not manage any schools, or they had not yet developed an educational system. For the most part, these tribes worked in partnership with schools, whether they were tribally-controlled schools or public-school district systems.

These included the following tribes:

- Tohono O’odham
- Chickasaw Nation
- Grand Traverse Band of Ottawa and Chippewa Indians
- Nisqually Indian Tribe
- Muscogee (Creek) Nation
- Confederated Salish and Kootenai Tribes

Other tribes had short education codes, but nevertheless set up a governance system to monitor, support, conduct strategic planning, or develop standards. Like Hopi’s current system (based on Ordinance #36), these tribes also have little legal, financial, or managerial control over the schools. As such, their governance systems are primarily dependent on voluntary cooperation from the schools.

- Skokomish Indian Tribe
- Ho Chunk Nation
- Stockbridge-Munsee Band of Mohican Indians

Comprehensive Education Systems with Minimal Code Language

These tribes both have unified school systems, with extensive decision-making from a centralized source. In all three cases, however, their education codes are short.

- Mississippi Band of Choctaw
- Eastern Band of Cherokee
- Mille Lacs Band of Ojibwe Indians

Detailed Education Codes

These “Detailed Education Codes” can serve as examples for how to structure governance, standards, curriculum, language, teacher qualifications, and many other topics. Under each summary, we include charts to illustrate how that tribe sets up its governance structure.

- Yankton Sioux
- Rosebud Sioux
- Standing Rock Sioux
- Oglala Sioux of Pine Ridge Indian Reservation
- Navajo Nation

3.1 BRIEF EDUCATION CODES

Some tribes included education sections in their tribal codes, but they were very brief. These tribes can serve as examples to show what can be done with leadership, partnership, and creativity, even without broad legal authority. Some examples include:

- The **Tohono O’odham** tribal education code, Title 11, includes three short sections, about Tohono O’odham Community College, mandatory school age attendance (ages 6-18), and their Youth Council, developed in 2006. (See www.tolc-nsn.org/tocode.htm)
- The **Chickasaw Nation’s** tribal code, Title 7, as amended in 2012, includes two chapters, on the Summer School Project and on the Scholarship Program. Instead of managing their own schools, the Chickasaw have memorandum of operations (MOUs) with the local public schools. (See <https://code.chickasaw.net/Title-07.asp>)
- The **Grand Traverse Band of Ottawa and Chippewa Indians** set forth a tribal education code solely to establish a new school, Waabno Gimaak Tribal Indian School. (See https://www.narf.org/nill/codes/grand_traverse/Title_16.pdf)
- The **Nisqually Tribe** has an 11-page Education Code, Title 12, but it focuses almost entirely on school attendance requirements, a tribal attendance officer, and tribal court action for failure to comply. (See http://www.nisqually-nsn.gov/files/4513/7356/7008/Title_12_-_Education.pdf)
- The **Muscogee (Creek) Nation** Code is long, at more than 30 pages, but it is focused mostly on the administration of Johnson-O’Malley Program funds, higher education and scholarship programs, the establishment of Eufaula Boarding School, and the College of the Muscogee Nation Board of Regents. (See <http://www.creeksupremecourt.com/~creek/wp-content/uploads/title18.pdf>)
- Even though the **Confederated Salish and Kootenai Tribes** (CSKT) manage two schools (Two Eagle River alternative school and the Nkwusm Salish language immersion school), most school children on the reservation attend public schools. As such, the CSKT tribal education code is also brief, focusing mostly on attendance and truancy. (See Section 3-3-407, for example, which mentions compulsory school attendance until age 16, available at: <http://www.csktribes.org/judicial/cskt-laws-codified>)

- **Nez Perce**, with two public school systems on its reservation in Idaho, does not have a tribal education code. Its education department works solely as a partner to its public school systems.

Other tribes also have short education codes, but have nevertheless established a governance system to monitor, support, conduct strategic planning, or develop standards. Whether a shorter or a longer code, tribes tend to use two kinds of governance formats: an **elected** school board or an **appointed** committee that provides advice. For example, the Skokomish set up an Education Committee that advises the Tribal Council and the Ho-Chunk Nation's President established an appointed Board of Directors to advise the Department of Education. By contrast, the Stockbridge-Munsee set up an elected Education School Board. In all cases, the tribal-level educational institution serves an advisory role, NOT a supervisory role. It has no direct control over the schools. The details of each are provided below:

- The **Skokomish** Education Ordinance is four pages long. It establishes the Skokomish Education Committee, which acts in an advisory capacity to the Tribal Council. The Ordinance gives the committee authority to examine education issues, gather facts, and establish the necessary comprehensive planning process. This is intended to coordinate resources on the reservation to monitor, improve and create education systems for the benefit of the Tribal members. The Committee can also recommend a comprehensive planning process for education systems to the Tribal Council. The ordinance also lists the Committee's duties, to include drafting tribal education goals, developing materials, meeting with school boards to discuss those goals, monitoring the problems and progress, working with non-education tribal programs (i.e. law enforcement, tribal court, and social services), and working in cooperation with the Cultural Committee to identify and gather materials on tribal history, language, culture, and values. The work with the Cultural Committee should lead to joint development of strategies and plans to integrate these materials into formal education processes in classes and through teacher training. (See <https://www.narf.org/nill/codes/skokomish/2-02.pdf>)
- Amended in 2009, the **Ho-Chunk Nation** code is also four pages long. It authorizes a Department of Education to establish programs to provide financial and supportive services to Tribal members in support of their educational goals, and to provide for effective communication and dissemination of Tribal information. The President of the tribe shall also establish a Board of Directors to serve in an advisory capacity to the Department of Education. It shall be involved in the

Department's strategic planning and shall be consulted during the annual budgeting process. (See:

https://www.narf.org/nill/codes/hochunkcode/1HCC04_Education.pdf)

- Originally established in 1980, Section 45 of the **Stockbridge-Munsee Tribal Law** is three pages long. It establishes an elected Education Board to advise the Tribal Council, along with the appointment of two students and one teacher by the Tribal Council. The Education Board is responsible for making recommendations for priorities, program development and planning. The law was amended in 1990, and again in 1996, to include grandparents as potential Board members along with parents. (See: <https://www.narf.org/nill/codes/stockbridge/45education.pdf>)

3.2 COMPREHENSIVE EDUCATION SYSTEMS WITH MINIMAL CODES

On the other extreme, other tribes have comprehensive educational systems, but little written in the tribal code. Regardless of their minimal codified language, the Mississippi Band of Choctaw and the Eastern Band of Cherokee tribes serve as models for a unified education system, where the tribal-level entity DOES have supervisory control over the schools. However, the two tribes use different structures for managing schools. The Choctaw Tribal Council oversees the Education Department, while the Cherokee have an elected school board that oversees their schools' superintendent. The Mille Lac Band of Ojibwe Indians, in somewhat of a hybrid model, combine an elected school board with the tribal control. In all three examples, the schools are BIE-funded and transitioned to tribal-control over a decade ago. Each tribe's education governance system is described below, along with charts to show the hierarchical structure.

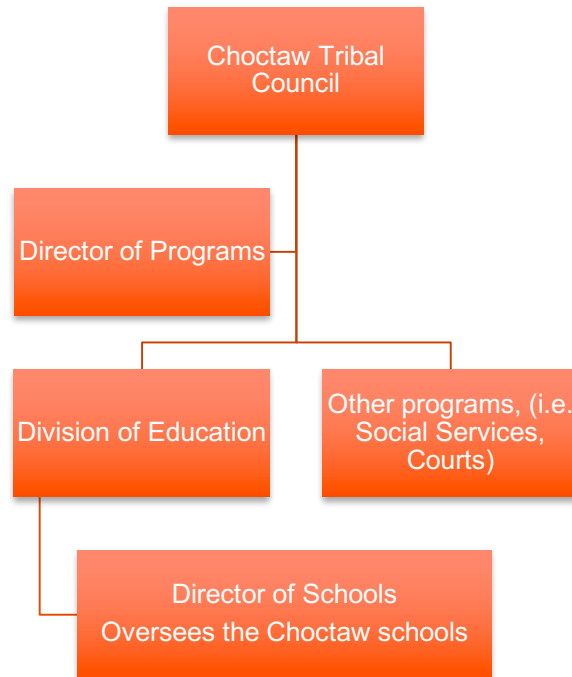
A. MISSISSIPPI BAND OF CHOCTAW

<http://www.choctaw.org/government/court/code.html>)

According to the Choctaw Director of Schools, the Mississippi Band of Choctaw Tribal Code does not include an education section at all, even though they have a comprehensive, unified system, managed under the Division of Education. Instead, in 1989, when the schools transitioned from federal government control to tribally controlled schools, the grant itself included the authority and description of the structure. Since then, a variety of laws and resolutions have addressed educational issues as they arose.

According to the schools superintendent, in the Choctaw model, a Tribal Council oversees the Education Department, which oversees the Schools Superintendent, who directly

manages the schools. This model can provide Tribal support to the schools, but can also add layers of bureaucracy (especially during the hiring process).



B. EASTERN BAND OF CHEROKEE

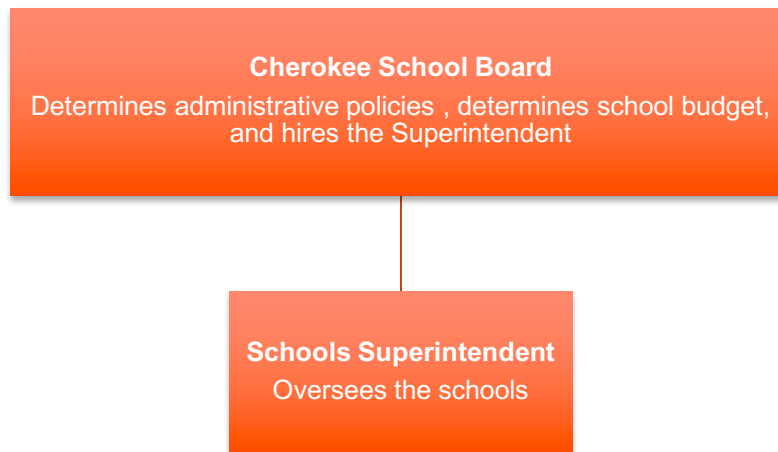
https://www.narf.org/nill/codes/eastern_band_cherokee/

Although the Eastern Band of Cherokee in North Carolina manages their own school district of three schools, their education code (Section 115) is quite short, at only four pages. Most importantly, Section 115-4 sets forth the authority of the Cherokee School Board:

- The school board consists of seven members elected from each of the Cherokee communities, as well as one member appointed from the Tribal Council; and
- The school board is the governing board responsible for determining the general policies of the Cherokee Central Schools, including the school budget and administrative policies.

While both tribes have a unified system, the Cherokee structure is entirely different from that of the Choctaw. In the Cherokee model, the elected school board hires the schools

superintendent, who oversees the high school, middle school, and elementary schools. This can be a less bureaucratic approach, but only if the elected school board members are experienced in education policy and have the capacity to properly oversee a superintendent.



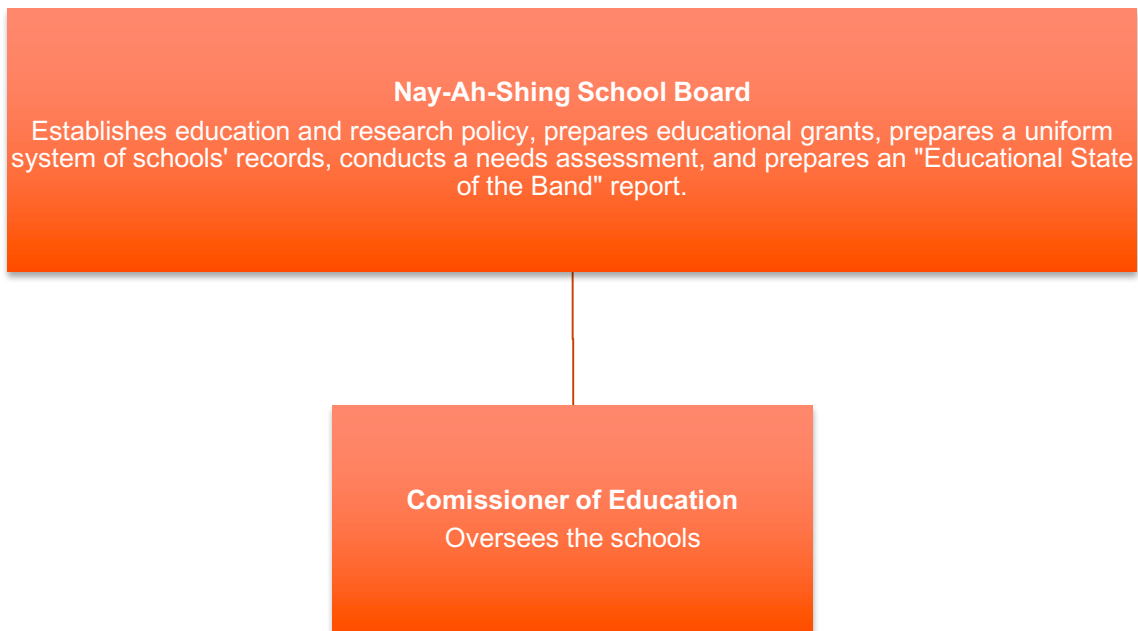
In addition, Section 115 includes compulsory school attendance, allows non-Indian students to attend Cherokee schools, defines the geographical boundaries of the district, addresses the needs of deaf and blind students, allows principals and teachers to use reasonable force in school discipline, defines the school expulsion process, and provides financial assistance for children of enrolled tribal members.

C. MILLE LAC BAND OF OJIBWE INDIANS

<http://www.millelacsband.com/content/3-government/17-statutes-policies/mltitle09edu-revised-7-3-2012.pdf>

The Mille Lac Band of Ojibwe Indians amended its education code, Title 9, to establish an elected “Consolidated Nay-Ah-Shing School Board,” which has the power to establish educational policy. Like the Cherokee model above, the Commissioner of Education has day-to-day supervisory authority and general supervision over schools’ 0-12 programs and personnel. She directly supervises the principals of the Nay Ah Shing schools (elementary, high school, and the satellite Pine Grove Center). With about 4300 members of the Band, many living on the Mille Lac Indian Reservation in central Minnesota, the Nay Ay Shing schools serve about 180-200 students (numbers change as high school students sometimes choose to move to local public schools or boarding schools). The elected School Board is an independent subdivision of the Executive Branch of the Tribal

government, and the Band Assembly retains all appropriation authority over all education-related funds.



The code provides that the Board shall establish policy for educational research, criteria for passage to succeeding grades and graduation, appropriate student conduct and disciplinary procedures, and preparation of educational grants, among others shall prepare a uniform system of records for the Band's schools. Each year, the School Board shall prepare an "Educational State of the Band" report, and biannually conduct a needs assessment. It shall also have the power to hold subject matter hearings on education-related topics.

This 13-page code is longer than the Cherokee code and includes mandates regarding tribal education. The School Board must also establish a cultural and language educational program; ensure that each student can converse in the native language of Ojibwe upon high school graduation; establish curriculum to incorporate Band history as well as the history of other tribes in the United States; establish curriculum to incorporate an understanding of the Band government structure; establish college preparatory classes in the high school; and establish curriculum to teach personal financial information and economics to students.

3.3 DETAILED EDUCATION CODES

Other tribes have enacted more detailed education codes. These include the Yankton Sioux, Rosebud Sioux, Oglala Sioux of Pine Ridge Indian Reservation, Standing Rock Sioux, and the Navajo Nation. These codes establish governance structures, reservation-wide standards, and native language requirements, among other details. In all of these cases, however, the tribes do not directly manage the schools. In fact, in a few cases, there exists one tribally-controlled BIE school, but the rest of the schools on the reservation are public schools with no tribal control at all. This makes governance trickier. Community engagement, compliance, and accountability contribute to making the structure effective.

The following codes are summarized by their approaches to (A) Governance, (B) Tribal Education, including native language, history, or other requirements, and (C) Educational Policies and Programs. Only the Navajo code has an extra section on accountability.

A. YANKTON SIOUX TRIBE

<https://www.narf.org/nill/codes/yanktoncode/yanktoncodet15education.html>

The Yankton Sioux, of the Dakota people, predominantly live on the Yankton Indian Reservation in South Dakota (6500 residents according to the 2000 census). In 1975, the tribe first developed this code when it established the Marty Indian School, a BIE-funded, tribally-controlled boarding school that now serves around 300 students. Most Yankton Sioux students attend public schools through the Andres, Armour, or Avon School Districts

GOVERNANCE: The tribal council, called the “Yankton Sioux Business and Claims Committee” shall appoint a tribal Director of Education (who will run a Tribal Education Department) to supervise compliance by all tribal educational institutions. The director serves as technical advisor, coordinating resources, establishing uniform data gathering, and reporting the results of data gathering and compilation. The Director also issues a single basic teacher certification, with a variety of endorsements available.



TRIBAL EDUCATION: The Yankton Sioux Tribal Education and School Code, called the “Education, Language and Cultural Preservation of the Ihanktowan Oyate” focuses on the need to implement tribal educational standards and curriculum standards that promote and preserve the Tribe’s Dakota language and culture. The Code required that all schools provide instruction on Tribal government, the history of the Great Sioux Nation, and the Dakota language. Parents shall be encouraged to teach their children N/Dakota language and culture, and tribal educational institutions shall involve parents in the process of education to the maximum extent practicable. Lastly, the code noted that, among the Ihanktowan Oyate and the Great Sioux Nation, there are certain persons who possess knowledge above and beyond those attained by academics with degrees. Those people endowed with cultural and linguistic knowledge of the Nakota/Dakota/Lakota language and culture shall be recognized and be used in tribal educational institutions to the maximum extent practicable.

CONCLUSION: The code has not been revised since 1995. As such, its relevance to the Hopi process may be limited. Further, there is no evidence on the tribe’s web site that the Yankton Sioux Department of Education still exists or continues to implement the code. Nevertheless, the role of the education department is a potentially valuable one – to act as technical advisor, coordinate resources, establish a uniform data gathering system, and report on whether schools comply with the rules that govern them.

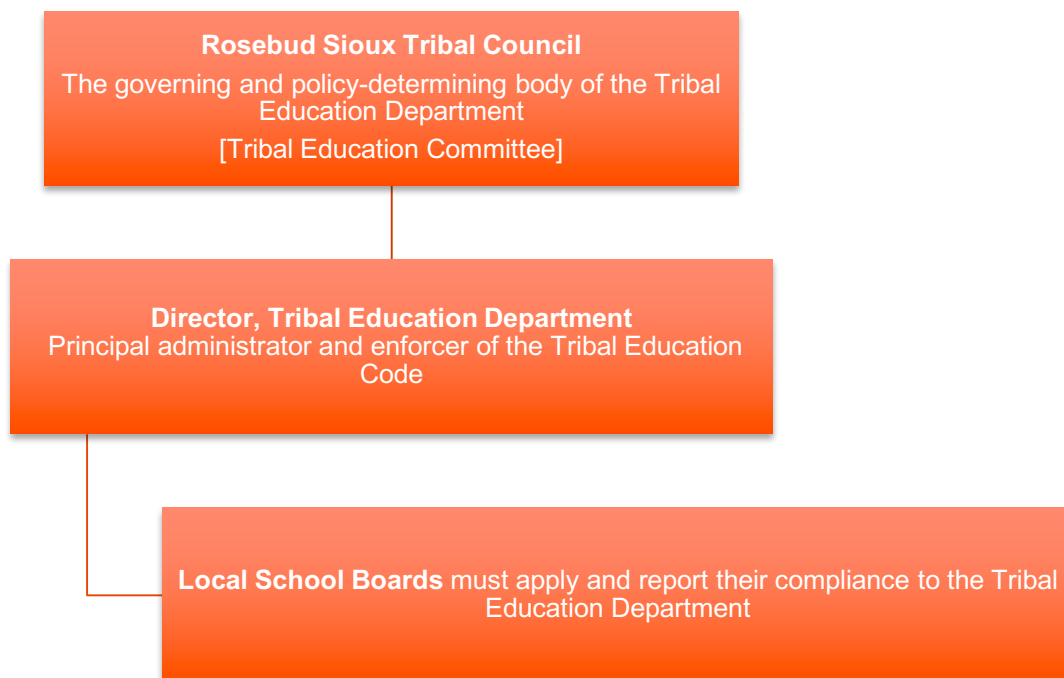
B. ROSEBUD SIOUX TRIBE

<https://www.narf.org/nill/codes/rosebudcode/edu.html>

About 18,000 tribal members live on the Rosebud Sioux Reservation in South Dakota. Enacted in 1991, the Rosebud Sioux Tribe of South Dakota has a detailed Tribal Education Code, of about 31 pages. Although most of the Rosebud Sioux students living

on the reservation attend Todd County public schools (with the exception of St. Francis Indian School students), the education code includes clear roles for the Tribal Council, the Department of Education, and the local school boards.

GOVERNANCE: The Tribal Council establishes tribal curriculum, education standards, and policies. The Tribal Council also hires and supervises the Department of Education, who enforces the code. Because the Rosebud Sioux tribe do not have a centralized or unified system of schools, the Department of Education satisfies its duties by requiring the local school boards to submit data and reports showing that they complied. According to the code, the Department of Education also participates in on-site evaluations of the local schools. The code is also clear that the schools should follow the tribally-developed curriculum and standards, parental involvement requirements, and educator certification rules.



Tribal Council: Section 201 clarifies the roles of the Tribal Council and the Tribal Education Department. It indicates that the “Tribal Council is the governing and policy determining body of Tribal Education Department.” As such, the Tribal Council hires a Tribal Education Department Director, who shall be the principal administrator and enforcer of the education code. The Tribal Council is responsible to:

- Hire the Director of Tribal Education Department, approve or disapprove Tribal Education Department appropriations and operating budgets, and require and review regular reporting by the Tribal Education Department, and;
- Actively promote and assist coordination of tribal services and programs; seek grants and funding for education improvement; establish advisory commissions and committees on educational policies and legislation as necessary; and enact or reject education legislation; and
- Establish tribal educational policies and programs, tribal education standards, and tribal curriculum (including the tribal orthography to be used in Rosebud Lakota language instruction of the reservation.

Tribal Education Department: Section 202 describes the power and duties of the Director of the Department of Education:

- Administer and enforce the education code, including exercising oversight over the compliance by local schools; communicate this Code to school boards, governing bodies, and educators; develop and enforce tribal educational policies and programs, and evaluate compliance by local schools; and review budget estimates of and appropriations for local schools and other educational institutions;
- Maintain current knowledge of the law and procedures; serve as principal technical and professional advisor to the Tribal Council on all matters relating to the Code and education on the reservation; and Act as liaison between the Tribe and the State on education matters;
- Establish uniform data gathering, compiling, and reporting system, which includes written reports and the establishment of a “human network system” who will meet at least twice a year; conduct on-site assessments visits of local schools (these “evaluation teams” should include a state department of education member or Bureau of Indian Affairs staff member, as appropriate); and report results of gathering and compiling data to the Tribal Council, school board, and governing body;
- Seek and coordinate resources to generally improve the condition, needs, and progress of education on the Reservation; and provide leadership and otherwise

promote the improvement of education, including constant contact with educators, research, planning, and evaluation of education service;

- Develop tribal curriculum and tribal education standards; enforce and evaluate compliance of local schools with tribal curriculum and education standards; and recommend a tribal orthography;
- Coordinate services and activities of the Department and negotiate cooperative agreements; and
- With Sinte Gleska College, develop accredited tribal recertification courses for educators, and work with the College in other areas.

School Boards: Section 301 requires local school boards to submit to the rules of the state and tribal law. More specifically, the code makes it clear: “School boards shall ensure that their schools and staff cooperate with the Tribal Education Department,” including providing the current copy of their schools’ written policies and procedures, and providing written educational data annually, participating in the “human network system,” and ensuring that their administrators participate effectively in the on-site assessment evaluation teams provided for in this Code. The local school boards also need to include the Tribal Education Department in their established processes for reviewing curriculum, education standards, and educational policies and programs. Finally, the local school boards must include tribal curriculum in their curriculum and standards, ensure that local schools attain tribal education standards, and provide educational programs as specified under this Code.

TRIBAL EDUCATION: Section 401 describes how the Tribal Education Department will develop tribal curriculum, while Section 402 sets forth how it will develop the standards:

Curriculum: The Tribal Education Department is required to develop tribal curriculum, by reviewing the current curriculum, coordinating and consulting with school boards, developing a draft, circulating it, and reviewing comments, and submitting the revised draft to the Tribal Council. Then, the “Tribal Council shall establish the tribal curriculum which shall apply to local schools under the joint enforcement by the State Department of Education and the Tribal Education Department.” The Code describes the content of the tribal curriculum, including instruction in the Rosebud Lakota language, Rosebud Lakota culture, Tribal government and the federal-tribal and state-tribal relationships, health and nutrition instruction, parenting and family life, Tribal and American economics, reservation

land base, tribal natural resources, and community environments. The code clarifies, “All local schools and other educational institutions shall provide instruction that is in substantial compliance with the tribal curriculum established by the Tribal Council. All students who graduate from local such schools ... must be familiar with the subjects required by tribal curriculum under this Tribal Education Code.” The Tribal Education Department is tasked with evaluation and reporting whether the local schools comply with the code

Education Standards: When developing tribal education standards, the department will use similar procedures of coordination and consultation as with when developing the tribal curriculum. The Education Department drafts the standards and submit them to the Tribal Council, who will establish them. Then local schools “shall attain or meet the tribal education standards established by the Tribal Council,” and report to the Department of Education annually.

EDUCATIONAL POLICIES AND PROGRAMS: Other sections address parents, educators, and other programs:

Reduction of Drugs and Alcohol: Section 501 details educational programs to be established by the Tribal Council and implemented by the schools to reduce the use of drugs, controlled substances, and alcohol.

Parental and Community Involvement: Section 502 requires the Tribal Education Department to include parents and community members in development of the tribal curriculum, education standards, and educational policies and programs; preparation of the State of the Reservation Education Report; and annual in-service training for parents and community members. The local school boards are also required to involve parents and community members in formal processes regarding curriculum, education standards, policies, programs, and extra-curricular activities, as well as procedures for parent-school communications. The local school boards are specifically required to report their compliance with this section to the Tribal Education Department.

Educators: Section 601 mandates that all educators are “certified” and authorizes the “Tribal Education Department to regularly identify recertification areas appropriate for educators.” In doing so, the Department shall consult with local school boards, governing bodies, and Sinte Gleska College. The Department shall develop and provide accredited courses in those areas, and those courses shall be provided at the College or at local schools. Also, the Code requires local schools to evaluate educators at least annually, in

writing, and in accordance with the local schools' policies and procedures, with evaluation summaries sent to the Tribal Education Department.

Lastly, section 701 defines "Indian Preference" and section 801 applies to charter schools.

CONCLUSION: The Rosebud Sioux code provides one example of how a tribe can oversee the schools' use of consistent standards and curriculum, without managing the schools themselves. Most importantly, as demonstrated by the annually published State of the Reservation Education Reports (<http://www.rst-education-department.com/state-of-the-reservation-report/>), the Rosebud Sioux Department of Education is effectively implementing its clearly defined role. In 2012, it also completed and approved its orthography. <http://www.rst-education-department.com/sicangu-lakota-orthography/> For more information on the Rosebud Education Department, see its website, <http://www.rst-education-department.com/>.

C. OGLALA SIOUX

https://www.narf.org/nill/codes/ogmlala_sioux/chapter26-education.html

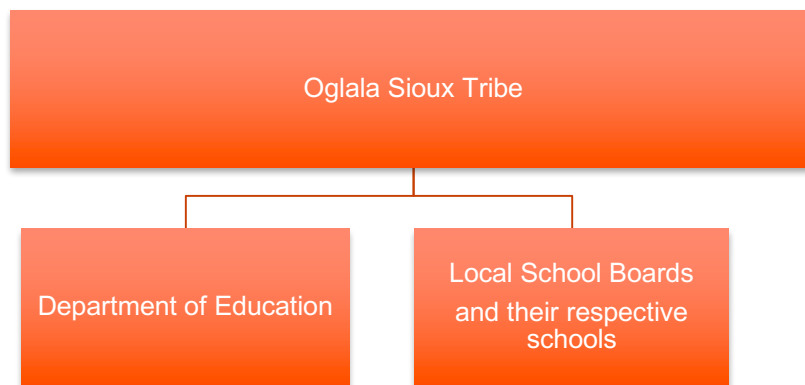
Between 15,000 and 30,000 members of the Oglala Sioux Tribe live on Ridge Indian Reservation, which is adjacent to the Rosebud Sioux to the west. Pine Ridge reservation includes six BIE-funded, tribally controlled schools: American Horse School, Crazy Horse School, Little Wound School, Loneman Day School (Isnawica Owayawa), Porcupine Day School, and Wounded Knee District School. The Pine Ridge students are also served by Shannon County School District's eight schools (serving about 1500 students) and Bennett County Schools, among other nearby or on-reservation public school districts.

In 1979, the Oglala Sioux Tribe established a Tribal Education Task Force, which began the research and development of the education code to apply to all school systems on the Pine Ridge Indian Reservation. It was amended again in 1983, 1993, and 1996, with new ordinances received in 2002. Chapter 26 is now a detailed education code, with 41 printed pages. While the code details how the Tribe's Department of Education is to be managed, and includes requirements for curriculum, language, culture, and teacher certification, it mostly delegates those requirements to the local school boards.

GOVERNANCE: The code gives authority to the Tribe to "adopt a written Education Philosophy" that will define the purpose and intent of its Education Department, but it stops short of actually defining it in the code language. Instead, the code is very detailed about *how* the Oglala Sioux Tribal Education Department is to be administered, including a code

of ethics, personnel policies, and grievance policies. See Section II. Across the tribe's schools, according to Section 200, the Education Department will implement a program evaluation and review process for all schools and department programs at least two times each year; and approve a Comprehensive Educational Plan for the department, including goals designed to provide development in leadership, community involvement, school climate, staff morale, curriculum development, and structure.

The rest of the Education Code delineates the Department of Education's responsibilities and those of the local school boards.



For example, Section III applies to local school boards' responsibilities. Local school boards are required to draft a written School Philosophy document, line of authority, code of ethics, personnel policies handbook, fiscal and accounting process, community involvement policies, Parent Advisory Council procedures, and employment contracts. Local school boards must develop a Comprehensive Educational Plan, a Disaster Plan, and a School Board Policy Manual.

TRIBAL EDUCATION: The code indicates that the local school board will approve the development, documentation, implementation, and monitoring of a local school system Curriculum Guide (Section V). It will include educational activities designed to provide the development of students, to include their cultural, social and emotional development; activities which are reflective of, integrate learning in and awareness of the Lakota society and other societies and cultures; and a process for evaluating the development of these skills. The local school board is also required to approve a process of monitoring the implementation of identified curriculum activities by teachers (See Section 500.19).

EDUCATIONAL POLICIES AND PROGRAMS: Even though most of the governance and implementation is delegated to the local school boards, the tribal education code has extensive requirements about proper educator certifications, educational service programs, curriculum development, and student services:

Personnel (Section IV): The code requires that all school administrators and teachers on the Pine Ridge Indian Reservation have the proper certificates and professional endorsements as required by Tribal and State Law. The Education Department will review teacher qualifications and certificates for teaching while the local school board manages the process for selecting its school's employees. According to Section 400.01, the local school board selects administrators "to provide effective direction for school staff and consistent administration of school board policies." In addition, the local school board will employ teachers with a minimum number of credits in Lakota Language or Lakota Culture, and they must complete more credit hours on an annual basis. The Code includes five pages describing the various educator standards.

Education Programs (Section V): Six pages of the code describe elementary, middle, and secondary programs, as well as special education, gifted and talented programs, counseling resources, student evaluation, and compulsory school attendance. The code itself sets forth the essential requirements. This includes a requirement for Lakota Culture on the elementary level, Social Science (including Tribal Government) on the middle school level, and two units of Lakota Studies on the high school level. The code delegates some of the requirements to local school boards, including the approval of a Special Education program, a counseling program, a student evaluation program, and a curriculum.

School Age & Attendance Area (Section V): Reservation-wide, students must be enrolled from age 6 until they have completed 12th grade or reached the age of 18. Local school boards establish the boundaries of attendance and enrollment in the school system. The code also describes graduation requirements, allowing local school boards to make determinations about transfers.

Students (Section VI): This section describes students' rights and responsibilities including student attendance, and the requirement for the local school board to establish a system of daily reporting and documentation. It also indicates that student transportation programs are developed and approved by the local school board (See Section 600.07).

Facilities (Section VII): Pursuant to the code, the local school boards are responsible for policies for facilities growth, personnel, equipment and funding required to operate a safe school system.

Support Programs (Section VII): This section applies to food services, transportation, health services, and other state and federal programs. For the most part, the code delegates the local school boards to ensure their schools follow the guidelines and regulations. Regarding transportation in particular, Section 800.02 requires local school boards to provide a transportation program which outlines bus conduct, routes, attendance areas, vehicle inspection, licensing of vehicle operators, extra duty trips, facilities maintenance and sanitation.

CONCLUSION: The Oglala Sioux education code serves as an example of setting forth detailed requirements, but allowing the local school boards autonomy to fulfill them. However, outcomes suggest this format may not be serving the Oglala Sioux youth effectively. The Friends of Pine Ridge web site indicates a 70% high school drop-out rate, and without industry, technology or commercial infrastructure to provide employment for its residents, an 90% unemployment rate.

D. STANDING ROCK SIOUX

www.standingrock.org/content/titles

With over 8,000 residents, the Standing Rock Sioux Indian Reservation encompasses large portions of North and South Dakota. The Standing Rock Sioux have three BIE-funded, tribally-controlled schools: Rock Creek Grant School (K-8), Little Eagle Grant School (formerly Sitting Bull School - K-8), and Standing Rock Community School (9-12). With 165 high school students, Standing Rock Community School is uniquely governed by two school boards, one public and one grant school board. The two boards act cooperatively by a joint-powers agreement. Standing Rock Sioux students also attend the nearby Theodore Jamerson Elementary School (a BIE-funded, K-7 school that is supported by five North Dakota tribes and located north of the reservation on the United Tribes Technical College in Bismarck, ND). The reservation is also served by public school districts: McIntosh, McLaughlin, and Wakpala School Districts on the South Dakota portions and Fort Yates, Selfridge, and Solen School Districts on the North Dakota portions.

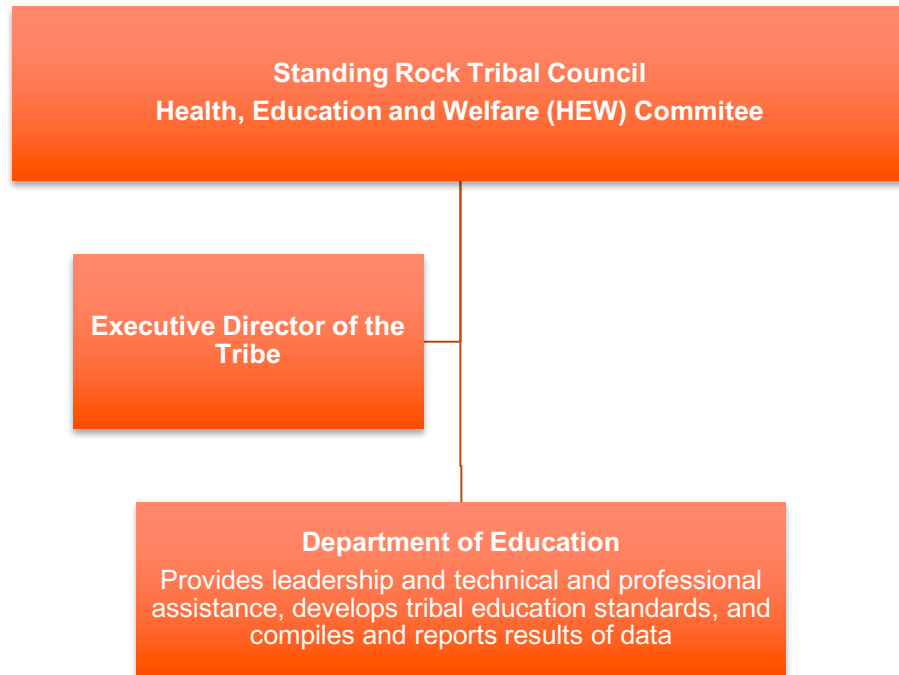
In 2005, the tribe, schools, and community leaders formed the Standing Rock Education Consortium (SREC) so that they could create better communication, address common

concerns, foster collaborative solutions, and utilize educational resources in a more efficient way.¹ The SREC include representatives from the three tribal-grant schools, three North Dakota and three South Dakota public schools, Theodore Jamerson Grant School, the Language and Culture Institute, one parochial school, one Head Start program, and Sitting Bull College. from North Dakota Department of Public Instruction, South Dakota Department of Education, and the Missouri River Education Cooperative. The Tribal Education Department's Manager facilitates the SREC. The SREC supports schools on the Standing Rock Reservation through annual strategic planning (and implementation), peer group collaboration, annual professional development, and supporting Lakota/Dakota culture and language. For more information, see the Tribal Visits Report.

In 2012, the Standing Rock Sioux Tribe updated its Tribal Education Code, Title 35. The two-year community-oriented process of how the Standing Rock Sioux adopted this code is also described in the Standing Rock Sioux section of the Tribal Visits Report. The Code currently stands at 26 pages of detail.

GOVERNANCE: The Health, Education, and Welfare ("HEW") Committee of the Tribal Council has the authority to develop educational standards and other activities (mostly as overseeing and approving their development by the Department of Education). The Committee supervises the Department of Education, whose functions are to coordinate, conduct research, compile data, provide technical assistance to the schools, and draft an annual report.

¹ *Standing Rock Education Consortium*, REL Central (2015)
(https://www.relcentral.org/resource-download/?id=4853&post_id=5622)



The Tribal Council’s Health, Education and Welfare Committee (“HEW Committee”) oversees, reviews, and approves or rejects the Department of Education’s work. For example, the Committee has the authority to adopt or reject recommendations by the Department; approve or disapprove department appropriations and operating budgets and funding, and require and review regular reporting by the Department of Education, including a State of the Reservation Education Report. The Committee also serves to establish tribal educational policies and programs; promote and assist coordination of tribal services and programs; and establish and promote Tribal Education Standards. As a key component to providing accountability in this governance system, the Committee must establish guidelines for an annual reporting system, based on a uniform system for the gathering, compiling and analyzing of educational data from preschools, local schools and the College. This data shall include demographics, attendance, enrollment, language, culture, academic assessment results, behavior, parent and community involvement, and other activities. (See Title II, Section 35-202).

Standing Rock Tribal Department of Education (Title III): The Department of Tribal Education was created as part of the Tribal Government. It is authorized to administer and implement the education code. The Education Department is also responsible for developing Tribal Education Standards (as detailed in Title IV, Section 35-401), but that the HEW Committee is ultimately responsible for establishing and promoting them. Most

notably, as part of its governance responsibilities, the Department will compile data and report the results. The code also specifies the qualifications of the Department's Director and staff. It notes that the Department will provide leadership through research, planning, and evaluation of educational services, as well as through communication of all information and instructions regarding education standards, policies, and programs. It will also provide technical and professional assistance; develop rules and policies; coordinate and facilitate agreements with others; and seek Tribal and Non-Tribal Resources. It will offer Language Revitalization Programs and Post-Secondary Scholarships. (See Section 35-301.)

School Boards (Title VIII): Standing Rock Tribal Council establishes school boards and schools (excluding public schools). School boards must cooperate with the Department of Education by compiling required data, having educators participate in professional development, and ensuring administrators participate in on-site assessment evaluation teams. They must also ensure that the schools attain tribal education standards.

TRIBAL EDUCATION: One of the key responsibilities of the Department of Education is to develop "Tribal education standards" for preschools, local schools and the college to "rekindle the learning spirit in our children and college students using our Dakota/Lakota language and culture as a base for all instructions." The Tribal education standards shall be developed to include the following areas of study: academics, Dakota/Lakota language, culture, government, history, health and nutrition practices, parenting and family life, Standing Rock and American economics, reservation land base, Tribal natural resources, and community environments. The Department shall review current standards, coordinate and consult with school boards and governing bodies (of preschools and the College), consult with educators, community members, parents, and students. After developing draft Tribal Education Standards, the Department should obtain and review comments on them and then revise as necessary. All schools should use curriculum and provide instruction that is aligned with the Tribal education standards. On an annual basis, the Department should assess and report about whether these standards are being implemented by preschools, local schools, and the College. (See Title IV – Standards.)

EDUCATIONAL POLICIES AND PROGRAMS: The detailed Standing Rock Sioux code also applies to kindergarten, school improvement, educators' certification requirements, research, and home-schooling, among others.

Kindergarten (Title V): All local schools shall offer kindergarten. All 5-year-old children must be enrolled in a kindergarten or equivalent program. The Department of Education

is tasked with developing procedures for assessing kindergarten readiness and for transitions from preschool to kindergarten.

Education Policies and Procedures (Title VI): Local schools shall develop alcohol and drug policies through their respective local school boards. They shall also be responsible for accreditation of their individual schools. The Tribe is committed to school improvement as well as the “Native American High-Performance Learning Communities” dimensions, including community-based participatory decision-making and vision, spirituality, community and family support, high expectations, and school culture congruent with home culture, among others. The final sections define compulsory school attendance and its exemptions.

Educators (Title VII): All educators must be certified. They must also participate in culture orientation as established by the Department of Education, which includes the history, culture and language of Standing Rock. The Tribe will create a Tribal Language Board as a certifying entity for those seeking to attain licensure as a Dakota/Lakota Language and Culture Teacher (“Eminent Scholar”). The Tribal Language Board consists of a Sitting Bull College language instructor, the College’s Native American Studies Department chair, the College’s Division of Education Chair, HEW Committee member, Tribal Department of Education Director, and an Elder/Community Member that is a fluent speaker of the Dakota or Lakota language. (See Section 35-702.)

Research (Title IX): Researchers must first apply with the Sitting Bull Tribal College Institutional Review Board.

Home Education (Title X): Any individual home-schooling a child must follow all applicable state laws.

Non-Compliance (Title XI): Non-compliance can trigger an onsite evaluation, sanctions, or other consequences.

CONCLUSION: The Standing Rock Sioux model is particularly relevant to inform the Hopi process for the following reasons:

1. **Up-to-Date:** Through an extensive community engagement process, the Tribe updated the code in 2012, so it incorporates a modern understanding of tribally-controlled schools, state requirements, and federal law.

2. **Comparable Size**: There are multiple tribally controlled elementary schools and one high school on the reservation, as well as other public schools and nearby schools available to the Standing Rock Sioux children, so it is a more comparable system to the Hopi's than tribes that have only one tribally-controlled school.
3. **Accountability Mechanisms**: The Standing Rock Sioux Code sets up important mechanisms for accountability in the governance system. The HEW Committee must establish guidelines for an annual reporting system, based on a uniform system for the gathering, compiling and analyzing of educational data from preschools, local schools and the College, and the Education Department must collect and report on the data. The Code also indicates that the Department will provide leadership through research, planning, and evaluation of educational services, as well as through communication of all information and instructions regarding education standards, policies, and programs. With a strong Education Director who applies these requirements with fidelity, these are feasible actions that could support and guide locally controlled schools.
4. **Effective Collaboration**: Within the Consortium structure, they are working effectively to share strategies and costs. (See Tribal Visits Report.)

E. NAVAJO NATION

www.NavajoNation.org

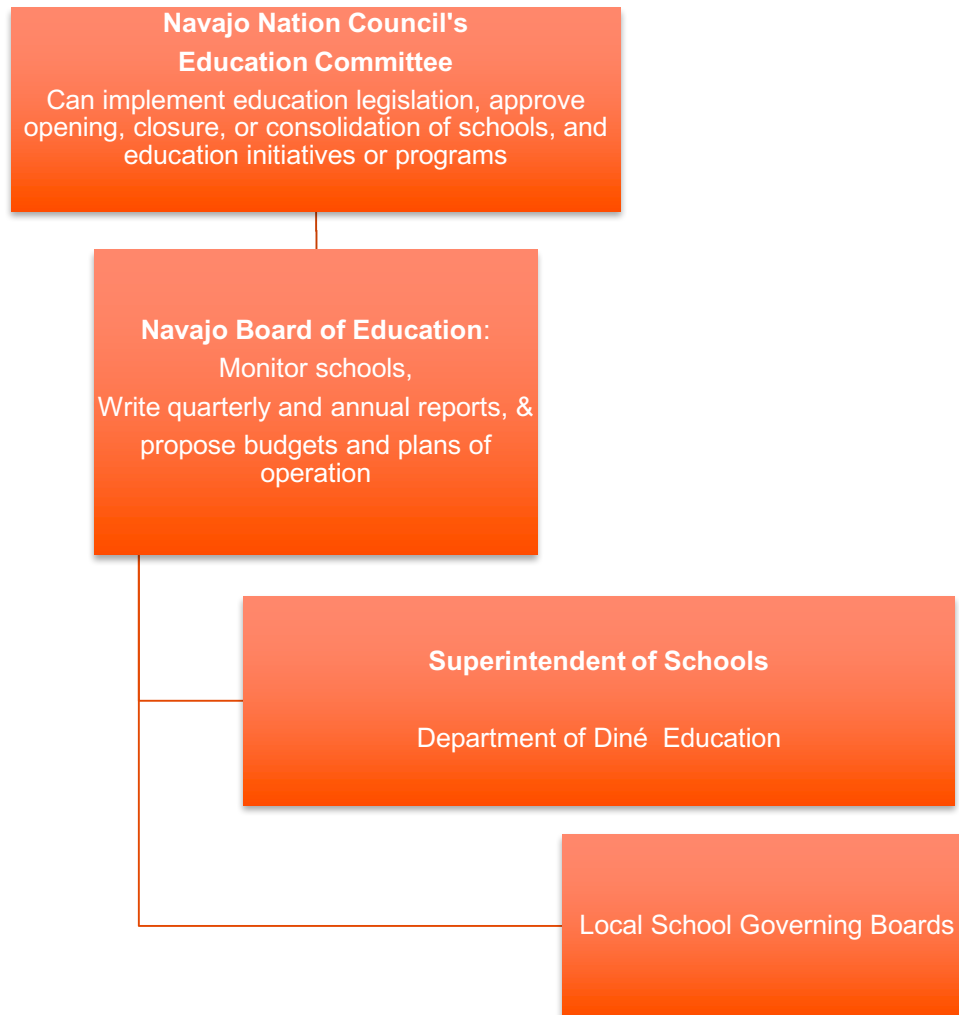
www.narf.org/NILL/resources/education/reports/navajo.pdf

The Navajo represent the second largest tribe, with more than 300,000 tribal members, including more than 150,000 living in Navajo Nation, spread between Arizona, New Mexico, and Utah. The Navajo reservation is the largest. Since 2005, the Navajo Nation has had the most detailed education code, the Navajo Sovereignty in Education Act. Updated with sweeping amendments in January 2005, the Navajo Nation's Education Code, Title 10, describes how the Navajo handle over 60 schools on its reservation, which include Bureau-controlled schools, tribally controlled schools, charter schools, and boarding schools. About half of the schools are tribally-controlled, while the other half are managed by the Bureau of Indian Education. Navajo students are also served by public schools in dozens of public school districts spread across three states.



GOVERNANCE: Most noteworthy in the 2005 amendments, the code created a structure of oversight through the Tribal Council’s Education Committee, the Navajo Nation Board of Education (“School Board”) consisting of both elected and appointed members, and a Department of Diné Education (“Department”), who all have very specific authorities and responsibilities. The Department is the administrative agency within the Navajo Nation with authority to implement the educational laws; it is under the immediate direction of the Navajo Nation Superintendent of Schools, subject to the overall direction of the Navajo Nation Board of Education. Notably, the Department “shall seek to work cooperatively with schools serving the Navajo Nation,” although the code gives the Department the authority to inquire into the educational situation of Navajo students in any school or educational program serving the Navajo Nation. Within that framework, however, the code still leaves most responsibilities to the local school boards.

Section 1(B) clearly delineates that the Navajo Nation’s Council Education Committee has oversight authority over the Navajo Nation Board of Education (“Navajo School Board”), Department of Diné Education, and over the implementation of education legislation.



Navajo Board of Education: The Navajo Board of Education includes 11 members in a mixed format; **five are elected** for four-year terms and **six are appointed** to six-year terms by the President of the Navajo Nation and confirmed by the Education Committee of the Navajo Nation Council. The appointees need to meet certain qualifications: one school administrator, one teacher, two parents, and two members who are recognized for their knowledge of traditional Navajo culture. The five elected Board members must have four-year college degrees, at minimum. None can have been convicted of a felony or of any crime involving child abuse or neglect. See Section 106(B).

The Navajo School Board's duties include monitoring activities of the schools, writing annual reports to the Navajo Nation Council, and writing quarterly reports to the Council's Education Committee. In addition, if the federal government threatens to take over a local

community school, the Navajo School Board can assume control instead. (See Section 106 (G)(1).)

The code authorizes the School Board to solicit funds, propose budgets and plans of operation, establish organizational relations, create positions, and employ and supervise personnel. It specifically indicates, however, that “the Board is NOT authorized to represent the Navajo Nation in consultation with federal, state, and local officials regarding any proposed changes in federal education legislation or educational programs, including new schools school closures, consolidations, education budget initiatives and the like.” These authorities are reserved specifically for the Education Committee of the Navaho Nation Council. (See Section 106(G)(2).)

Board/Department Collaboration: Most of the Board’s work is to be done working with the Department of Diné Education (“Education Department”). Section 106(G)(3) authorizes the powers of the School Board to carry out the following long list of duties *through the Department*:

- Propose needed education legislation to the Education Committee; establish procedures for the enforcement and implementation of these educational laws; and actively pursue funding to support the education programs;
- Establish instructional content and achievement standards and customized achievement testing instruments, and consolidate standards; and establish policies/procedures for carrying out the accountability provisions of federal education laws for all BIE-funded schools; and, in cooperation with the Education Committee, oversee research on the educational achievement, problems, and needs of students and school systems;
- Negotiate/recommend agreements as necessary to coordinate the activities of the Department with the BIE and state education departments (AZ/NM/UT);
- Review/endorse/decline elementary and secondary school curricula, teaching and materials for consistency with the unique needs of all Navajo students in schools serving the Navajo Nation;
- Receive monitoring/evaluation reports on all educational programs and provide technical assistance as necessary and desired by such programs;

- Establish procedures/criteria to license administrators for BIE-funded schools;
- Establish procedures/criteria for endorsing Navajo language and cultural knowledge programs, and to certify the competency of instructional personnel to deliver them; direct the creation and publication of curricula, teaching, and CRT-materials as needed for instruction in Navajo language and cultural knowledge;
- In cooperation with the Education Committee, develop procedures to enforce the school attendance laws; and
- Implement the procedures established under the Grant/Contract Conversion/Maintenance Handbook, recommend revisions to the Manual as deemed necessary, and implement the process for reauthorization of school contracts/grants.

Department of Diné Education (Section 107): The Department is under the immediate direction of the Navajo Nation Superintendent of Schools, subject to the overall direction of the Navaho Nation Board of Education. The Department is the administrative agency with responsibility and authority for implementing and enforcing the Navajo Nation's educational laws, however, it *"shall seek to work cooperatively with schools serving the Navajo Nation."* The Department is authorized to:

- Inquire into the educational situation of Navajo students in any school or educational program serving the Navajo Nation or receiving program funds for the education of Navajo youth or adults;
- Determine the impact of educational programs on Navajo students by inquiring into areas of concern, including achievement data, test results, budgets, language proficiency, and others; report the results to the Education Committee, to the Navaho Board of Education, to local community school boards, and others; and make recommendations in its reports for the improvement of Navajo education; and report quarterly to the Board of Education on the state of Navajo education;
- Be available and properly trained to work with school, school districts, governing boards, local communities, and others; and
- Assume control of community schools when necessary.

Local Community School Boards: Local School Boards or “School Governing Boards” have responsibility for establishing policy and overseeing the operations of a local school. “It is therefore obvious that while the schools remain minimally self-sufficient, they have been inextricably intertwined with the Navajo Nation government and their local Navajo communities from their inception.” See Chapter 3 – School Boards, Subchapter 1 – Local Community School Boards. Their responsibilities include assuring implementation of Navajo educational and developmental politics at the local level and for establishing local educational policies to meet the needs of their students; and developing written policies regarding school governance, personnel, parental involvement, staff conduct, student conduct, teacher evaluation, residential policies, fiscal and budget management policies, graduation requirements, and academic policies.

Legally, each local school has agreed, “in its lease” to abide by the Navajo educational policies. Also, the election of local community school board members shall be conducted in accordance with Navajo Nation Election Code. It shall consist of between three and seven members. Each local community school board shall send a representative to its respective Agency School Board and participate in its meetings and functions (Sec 201 - 205).

Agency School Boards: The Code established “Agency School Boards” to represent local community school boards at the BIA Agency Education Line offices within the Navajo Nation. Each Local Board shall appoint or elect one person to serve on the Agency Board. See Subchapter 3 – Agency School Boards (See Sections 251 – 255.)

Diné Bi O[ta’ School Board Association: The Diné Bi O[ta’ School Board Association is set up like the Hopi Board of Education (HBE), comprised of the local community school boards at the Navajo Nation. It serves as a resource to share concerns, strategies, and comprehensive training for school board members. In cooperation with the Education Committee of the Navajo Nation Council, the Navajo Nation Board of Education, and the Department of Diné Education, the School Board Association shall consider educational programs, problems and issues of a Navajo Nation-wide significance; make recommendations to the Board of Education and the Education Committee concerning all schools; plan such activities including comprehensive school board training programs; and provide opportunities for local community school boards to share educational problems of mutual concern and to assist them in developing solutions to these problems; and make proposals to the Education Committee and the Board of Education. (See Subchapter 5, Sections 301 – 305).

ACCOUNTABILITY AND ACADEMIC ASSESSMENT (Section 123): As the Navajo Nation spans Arizona, New Mexico, and Utah, and the Navajo Nation have requested a waiver from the federal requirements, **this is a particularly important section that is unique to the Navajo code and its governance structure.** It states, “The Board shall establish and maintain a Navajo Education Information System (NEIS) that will provide a comprehensive database on the schools and students. Through this database, the Navajo Nation will be able to track academic performance of students in all school systems.” The Department of Diné Education shall collaborate with all schools to develop and implement an educational accountability system, based on academic standards, the Navajo-adopted academic assessment, and other relevant indicators. Also, the Department shall establish a level of standard or academic achievement for each grade level that students will meet to demonstrate mastery. At the school level, each school is required to provide academic test scores on each individual student to the Department of Dine Education. The Department will use student test data to create Navajo achievement profiles. On an annual basis, the Department will publish an Accountability Report on student achievement for public dissemination.

Education Standards: The code continues in Section 109 to require the development of education standards, but it oscillates between who is in charge – the Board or the local schools. The “Board work with other governmental entities and education providers in developing and implementing appropriate educational and residential standards for schools and school systems serving the Navajo Nation, including the teaching of Navajo language and culture.” Upon formal approval of such standards, the Department of Diné Education shall implement an accreditation process based on such standards and implement this process on the schools over which it assumes regulatory jurisdiction. However, the code requires that *each school* shall approve and adopt challenging academic content standards that promote student academic achievement. The code tasks **local schools** with certain responsibilities, such as development of a written curriculum, aligned with the Navajo standards; professional development of educators; special education; education of gifted, talented and highly motivated students; school counseling services; development of a written student code; and discouraging the use of alcohol and illegal drugs. (See Section 109.)

TRIBAL EDUCATION: The code includes concrete directions about education in Navajo language, culture, and social studies. However, the education standards described above, it mostly tasks local schools with the responsibility of development and implementation.

Education in Navajo Language (Section 111): The code includes concrete directions about education in Navajo language. “The Navajo language is an essential element of the life, culture and identify of the Navajo people.” As such,

- “Instruction in the Navajo language shall be made available for all grade levels in all schools serving the Navajo Nation.” It shall include: “thinking, speaking, comprehension, reading and writing skills and study of the formal grammar of the language.”
- For those Navajo speaking students who are not fully proficient in English, spoken or written Navajo language shall be used as a medium of instruction to teach academic content, and intensive English language development will be made available (with the exception of students enrolled in Navajo language immersion programs).
- In addition, the code includes a language immersion program within Head Start. Per the Navajo Nation Diné Language Act, Section 53, “Navajo (Diné) language shall be the instrument of educating, and reinforcing the importance of the continuation, comprehension, and communication of the Navaho language” within the Head Start program. The purpose of this Navaho language immersion program is to “enable children to communicate freely and effective through the Navajo language, not as a second or foreign language but the language of the Navajo (Diné) people.”

Education in Navajo Culture and Social Studies (Section 112): The code also includes details about incorporating Navajo culture and social studies, but it leaves it up to the local school boards to implement these requirements, “Courses or course content that develops knowledge, understanding and respect for Navajo culture, history, civics, and social studies shall be included in the curriculum of every school serving the Navajo Nation. The **local school governing board**, in consultation with parents, students and the local community, shall assist in determining the appropriate course content for the Navajo culture component of the curriculum.”

EDUCATIONAL POLICIES AND PROGRAMS: The detailed Navajo code also applies to parental involvement, school attendance, bus routes and transportation, and school facilities, among others.

Parental Involvement (Section 108): All schools shall jointly develop a written parent involvement policy.

School Attendance: Students between the ages of 5 and 18 must attend school. A parent or guardian who violates this section will be penalized with a petty misdemeanor. See Section 118. The Education Committee is authorized and directed to develop plans and procedures to enforce the compulsory attendance policy. (See Chapter 5, Sections 501 – 504).

Bus routes and transportation (Section 120): The code leaves “adequate bus transportation systems” to the local school boards to develop individual policies. However, it also notes, “The Navajo Nation, through the Education Committee and the Transportation and Community Development Committee, shall work in a joint and cooperative effort with the states and the Bureau of Indian Affairs to adopt adequate bus routes, to avoid excessively long bus travel and to develop a comprehensive school transportation plan.”

School facilities and operations (Section 121): The code puts the responsibility of maintenance of school facilities squarely on the federal Bureau of Indian Affairs, either directly or through contract. However, the Department of Diné Education is required to establish joint planning efforts with the schools and school systems regarding construction, expansion, or renovation.

Vocational education and career education (Section 122): Regarding vocational and technical education, the Navajo Nation shall integrate educational and economic planning. Specifically, the Education Committee and the Human Services Committee of the Navajo Nation Council shall coordinate, with other entities, the development of comprehensive vocational educational planning. Then, it shall be integrated into the basic curriculum of all schools in all appropriate content areas and at all grade levels.

Navajo preference (Section 124): This section requires the use of Navajo preference (and also Indian preference) in employment of school and educational personnel.

Programs and Facilities: This section is also noteworthy because it requires all schools to consult with the Navajo Nation Council and many others before making changes. It starts out with clear language that all educational programs on Navajo Nation will comply with Navajo education laws, as well as applicable state and federal requirements. The code language continues to require that any “agency, organization or group” that wants to

propose a new school facility, expansion, change in school site, transfer from Bureau to public school operation, change from boarding school to day school, grant or contract operations, creation of charter school, closure or consolidation, establishment or changes of bus routes, or “other changes that would affect Navajo students” shall “consult with the Navajo Nation for full discussion of such proposed changes.” In addition, the school shall consult and discuss such plans with the Navajo Nation Superintendent of Schools, the Bureau of Indian Affairs, and the Education Committee of the Navajo Nation Council, the people of the communities to be affected, either directly or indirectly, and with local school boards. (See Chapter 4, Sections 496 – 500).

Others: Other code sections include requirements about early childhood programs (Section 50) and Head Start (Section 51).

CONCLUSION: The Navajo have set up a complicated hierarchical system, including a tribal Council’s Committee, a Board of Education, a Superintendent of Schools, and an Education Department, to set up a structure to review their schools’ activities. Although they are geographically close, the Navajo Nation is so much larger than Hopi, with such a varied combination and range of schools, spread over three states, it is difficult to compare governance structures. With that noted, there are multiple points of interest that can inform the Hopi in their analysis:

1. **School Board Qualifications:** The Navajo School Board’s membership requirements include some elected and some appointed members. Pursuant to the code, the Navajo appointees must meet certain qualifications, and include one school administrator, one teacher, two parents, and two members who are recognized for their knowledge of traditional Navajo culture. The five elected Board members must have four-year college degrees, at minimum. Similar qualifications may address the Hopi’s concerns for capacity building, knowledge of educational laws and policies, and schools’ experience.
2. **Clear Roles:** The relationship with the School Board and the Department of Diné Education, working in collaboration, to establish standards, monitor and report, may be difficult to implement without clearly defined roles, transparency, and accountability. Instead, the code requirements that the Department can inquire into the educational situation of any Navajo student, collect achievement data, test results, budgeting, language proficiency, and determine the impact of educational programs,

and report may be more clearly delineated and more workable in a smaller tribe like Hopi.

3. **Tracking Student Achievement:** The Navajo code requires that the Board establish and maintain a Navajo Education Information System (NEIS) that will provide a comprehensive database on the schools and students. Through this database, the Navajo Nation will be able to track academic performance of students in all school systems. The Department shall collaborate with all schools to develop and implement an educational accountability system, based on academic standards, the Navajo-adopted academic assessment, and other relevant indicators. While this is particularly important for the Navajo spread across three states, knowing how well its students are achieving can be equally important to the Hopi. At minimum, the Hopi's tribal entity, be it the Hopi Board of Education, the Education Department, or some other entity, should be up-to-date with all student test scores and be able to ascertain if certain schools need more support than others.
4. **Ensuring Tribal Education Code Matches Federal Law:** Also, despite the Navajo education code requirements in place since 2005, federal privacy laws like Family Education Rights and Privacy Act (FERPA) barred Navajo Nation education officials from accessing student-specific achievement data because tribal education agencies were not considered state agencies. Revised in 2011, FERPA granted official recognition to tribal agencies and allowed for an exchange of data in the same way data is shared between state education departments. By 2013, Navajo Nation and Utah state education officials signed a Memorandum of Understanding (MOU) that creates a collaborative effort for the sharing of student performance data to contribute to the development and implementation of best practices. When Hopi updates its Ordinance #36, its leadership will need to consider the role of FERPA and other federal education laws.
5. **Other Provisions:** The Navajo Nation is also in the process of working with the federal government to waive some federal education rules. See the School Accountability Plan submitted by the Navajo Nation to the federal government (<http://navajonationdode.org/accountability.aspx>). This is not something that Hopi is considering at this time. Instead, the

Hopi may wish to examine some of the detailed Navajo code sections that apply to parental involvement, school attendance, bus routes and transportation, and school facilities, among others. For example, the code requires the following:

- All schools shall jointly develop a written parent involvement policy;
- A parent or guardian who violates the compulsory school attendance policy will be penalized with a petty misdemeanor, and the Tribe's Education Committee is authorized and directed to develop plans and procedures to enforce the policy;
- Adequate bus transportation systems are developed by the local school boards, however, the Navajo Nation, through the Education Committee and the Transportation and Community Development Committee, shall work in a joint and cooperative effort with the states and the Bureau of Indian Affairs to adopt adequate bus routes, to avoid excessively long bus travel and to develop a comprehensive school transportation plan; and
- Maintenance of school facilities falls squarely on the federal government. However, the Department is required to establish joint planning efforts with the schools and school systems regarding construction, expansion, or renovation.

4 CONSISTENT THEMES IN TRIBAL EDUCATION CODES

As the Hopi community reviews these many legal codes and prepares to update Ordinance #36, it may be useful to consider the consistent themes, and to compare and contrast the different examples under each theme. Most importantly, these tribal codes provide multiple options for the Hopi to consider on many topics relevant to the ongoing conversation about developing a comprehensive education system, including:

- 1) Inherent tribal sovereignty over education
- 2) Management structure
- 3) Relationship between the tribe and the local schools
- 4) Education standards
- 5) Culturally relevant curriculum and instruction
- 6) Development and instruction in tribal language
- 7) Development of tribal history
- 8) Requirements for educators
- 9) Attendance and truancy
- 10) Other innovative programs

4.1 INHERENT TRIBAL SOVEREIGNTY OVER EDUCATION

Some tribal education codes explicitly declare that as a sovereign nation, the tribe has “inherent sovereignty” over the education on its reservation. It is particularly notable that tribes that make this declaration are those that do not directly control or manage the schools. Instead they referring to *inherent* sovereignty as their authority to require student data reporting from the schools, for example, as with the Navajo Nation. In fact, the Navajo are still having difficulty collecting this confidential information. It may be instructive to the Hopi in revising Ordinance #36 to observe that reaffirming tribal sovereignty over education may be insufficient to ensure compliance.

- **Standing Rock Sioux:** The Standing Rock Sioux Tribe has strong language on sovereignty: “The Standing Rock Sioux Tribe is a people with a distinct political, economic, and cultural heritage. As part of that heritage, the Tribe possess and exercises inherent sovereign immunity, including in furtherance of realizing its goal

of self-determination in Tribal education. As such, the Standing Rock Sioux Tribal Government has the power and duty to exercise its inherent authority over formal education on the Standing Rock Sioux Reservation by enacting and implementing this Title, made applicable to all local schools, preschool programs, and Sitting Bull College within the Reservation to the fullest extent allowable by law.”

- **Rosebud Sioux:** Similarly, Section 102 indicates that the “Rosebud Sioux Tribal Government has the power and duty to exercise its inherent authority over formal education on the Rosebud Sioux Indian Reservation.”
- **Navajo:** As the Navajo Nation spans Arizona, New Mexico, and Utah, and the Navajo Nation have requested a waiver from the federal requirements, this is a particularly noteworthy section that shows how the Navajo plan to use their inherent sovereignty. It notes, “The Board shall establish and maintain a Navajo Education Information System (NEIS) that will provide a comprehensive database on the schools and students. Through this database, the Navajo Nation will be able to track academic performance of students in all school systems.” The Department of Diné Education shall collaborate with all schools to develop and implement an educational accountability system, based on academic standards, the Navajo-adopted academic assessment, and other relevant indicators. Also, the Department shall establish a level of standard or academic achievement for each grade level that students will meet to demonstrate mastery. On the school level, each school is required to provide academic test scores on each individual student to the Department of Dine Education. The Department will use student test data to create Navajo achievement profiles. On an annual basis, the Department will publish an Accountability Report on student achievement for public dissemination.
- **Skokomish Indian Tribe:** The code first declares authority of the Tribe over education: “The Skokomish Education Ordinance is enacted pursuant to the inherent sovereign authority of the Skokomish Indian Tribe in accordance with the Treaty Point no Point, the Constitution of the Skokomish Indian Tribe and applicable federal law.”

4.2 GOVERNANCE STRUCTURES

Each tribe has grappled with its education governance structure, and finding the appropriate balance between the roles of the tribe and of the local community schools. For the more detailed education codes, such as Yankton Sioux, Rosebud Sioux, Standing

Rock Sioux, Oglala Sioux, and Navajo Nation, summarized in **Section 3.3** Detailed Education Codes, we include organizational charts that illustrate the different hierarchal structures for each tribe. In summary, there are two broad categories governance structures to manage schools, whether by code or by original contract with the Bureau of Indian Affairs:

- 1) **School District Model** – a unified system of schools, managed by a superintendent with extensive educational leadership experience; and
- 2) **Local School Boards Model** – where local school boards are primary decision makers for their schools and the tribal-level educational institution plays a more limited role.

School District model: Even though BIE continues to fund their schools, the Choctaw and Cherokee Tribes serve as unified school districts. However, even they differ in their governance structures. The Choctaw manage the schools superintendent via the Tribal Council and the Education Department whereas the Cherokee have an elected school board who hires the schools superintendent. This is an important distinction for the Hopi community: Onsite interviews in November 2017 suggest that a substantial part of the community would prefer a “regulated entity” oversee a school superintendent, because the Tribal Council and Department of Education and Workforce Development have little capacity or authority to oversee K-12 schools. In this case, the Cherokee model may prove to be a better fit for Hopi. Although the Hopi Board of Education (HBE) has representatives from the local Governing Boards, transforming the HBE into an institution with adequate oversight of a superintendent that managed seven schools, and complied with all federal, state, and tribal laws would require significant capacity building and funding resources. Further, evidence suggests that, only revived since 2016, the HBE has not fulfilled its current authority.

- **Mississippi Band of Choctaw:** The Mississippi Band of Choctaw have unified districts of schools, but do not rely on their tribal codes for its authority. They refer to the original contract language of 1989 when they created the Choctaw Tribal Schools District, and make small changes as needed with education resolutions.
- **Eastern Band of Cherokee:** The Eastern Band of Cherokee similarly runs a unified system of the Cherokee Central Schools (CCS). Its code language is short, but powerful. It sets up a Board of Education that oversees a Superintendent of Schools.

- Mille Lac Band of Ojibwe Indians:** The Mille Lac Band amended its education code, Title 9, to establish an elected “Consolidated Nay-Ah-Shing School Board,” which has the power to establish educational policy for the benefit of Band members and non-Band members attending a Band school. The Consolidated School Board shall prepare a uniform system of records for the Band’s schools. It shall also have general supervision over all Band “0-12 School Programs” and shall establish policy for educational research, criteria for passage to succeeding grades and graduation, appropriate student conduct and disciplinary procedures, and preparation of educational grants, among others. Each year, the School Board shall prepare an “Educational State of the Band” report, and biannually conduct a needs assessment. It shall also have the power to hold subject matter hearings on education-related topics. The code gives day-to-day supervisory authority to the Commissioner of Education. The “Band Assembly” retains all appropriation authority over all education-related funds.

Local Schools Model: The following seven tribes use a model that relies on local schools’ autonomy with a tribal entity providing some combination of collaborative, guidance, monitoring, or reporting functions. At the tribal level, the various codes require that the tribal-level entity gathers information from the individual schools, assesses needs, develops standards, requires the schools to provide data, monitors, develops materials, provides support or help with strategic planning, or cooperates with the Cultural Committee, among other supportive or collaborative roles. Whether a Tribal Council Advisory Committee, a Tribal Department of Education, or a tribal-level Board of Education, none of the entities manage or control the schools. These powers remain with the local school boards. Despite the code language, this model provides limited accountability mechanisms to require compliance, from the tribal-level institutions or from the local school boards and principals. In many cases, including that of Hopi, the requirements are met inconsistently or remain entirely unsatisfied.

If the Hopi choose to continue to use this model, but also wish to update and strengthen it, then community leaders will need to consider which tribal-level institutions are most likely to be able to satisfy the requirements to be included in an updated Ordinance #36. Important considerations will include critical capacity building, clear definitions of roles, and realistic compliance mechanisms.

- Hopi:** The current Hopi Ordinance #36 relies on the local school boards and their representatives to form a Hopi Board of Education (HBE), which plays an important role in assessing reservation-wide educational needs, setting reservation-wide

education goals, setting education standards, and preparing an annual report. The Hopi Department of Education shall provide administrative support to the HBE, and the Director of that department sits on the HBE as an “ex officio” member.

- **Rosebud Sioux:** The Rosebud Sioux Tribal Council establishes tribal curriculum, education standards, and policies. The Tribal Council also hires and supervises the Department of Education, who enforces the code. Because the Rosebud Sioux tribe do not have a centralized or unified system of schools, the Department of Education satisfies its duties by requiring the local school boards to submit data and reports showing that they complied. According to the Code, the Department of Education also participates in on-site evaluations of the local schools. The Code is also clear that the schools should follow the tribally-developed curriculum and standards, parental involvement requirements, and educator certification rules.
- **Navajo Nation:** The Navajo Nation has the most detailed education code, as amended in 2005. It sets up a system with a Tribal Council’s Education Committee, a Board of Education, and a Department of Diné Education, each with very specific authorities and responsibilities. The code gives the Department of Education the authority to inquire into the educational situation of Navajo students in any school or educational program serving the Navajo Nation. Within that framework, however, it still leaves most responsibilities to the local school boards.
- **Standing Rock Sioux:** The Health, Education, and Welfare (“HEW”) Committee of the Standing Rock Sioux Tribal Council has the authority to develop educational standards and other activities. It supervises the Department of Education, whose function is mainly to coordinate, conduct research, act as a technical assistant provider to the schools, and compile an annual report.
- **Oglala Sioux:** While the Oglala Sioux code details how the Department of Education is to be managed, and includes requirements for curriculum, language, culture, and teacher certification, it mostly delegates those requirements to the local school boards.
- **The Ho-Chunk Nation:** In 2009, the code provided the authority for a Department of Education to establish programs to provide financial and supportive services to tribal members in support of their educational goals, and to provide for effective communication and dissemination of tribal information. It also provides that the President of the tribe shall establish a Board of Directors to serve in an advisory

capacity to the Department of Education. It shall be involved in the Department's strategic planning and shall consult during the annual budgeting process.

- **Skokomish:** The Skokomish Education Ordinance establishes the "Skokomish Education Committee," which acts in an advisory capacity to the Tribal Council. The Ordinance gives the committee authority to examine education issues, gather facts, and establish the necessary comprehensive planning process. The ordinance lists the Committee's duties, to include drafting tribal education goals, developing materials, meeting with school boards to discuss those goals, monitoring the problems and progress, working with non-education tribal programs (i.e. law enforcement, tribal court, and social services), and working in cooperation with the Cultural Committee to identify and gather materials on tribal history, language, culture, and values. The work with the Cultural Committee is intended to lead to joint development of strategies, and plans to integrate these materials into formal education processes in the classroom and through teacher training.

4.3 RELATIONSHIP BETWEEN THE TRIBE AND LOCAL SCHOOLS

Despite a desire for tribal standards and consistency, most of the tribal education codes also maintain clear language highlighting the autonomy of the local school boards. They set the school policies, review and approve the local school financial plan, and hire and fire school staff. Some codes require the local school boards to collaborate with, or provide information to a tribal-level Education Department (such as the Rosebud and Standing Rock Sioux codes). But, other than the threat of a failed re-election bid, there are no real accountability mechanisms to require the school boards to satisfy their requirements:

- **Hopi:** According to Section 5.1 of the Hopi Education Code (Ordinance #36), "The basis of the organization of the Hopi Comprehensive Education System are the local school boards each distinguished from the other in terms of attendance area, education services provided, and source of financial support. Section 7 of Ordinance #36, defines the "organization, powers and duties of local school boards." These local boards shall keep a record of their proceedings, determine policy and work, review and approve the local school financial plan, appoint and discharge local school staff, and appoint a representative to sit on the Hopi Board of Education.

- **Navajo:** Local School Boards or “School Governing Boards” have responsibility for establishing policy and overseeing the operations of a local school. The code states, “It is therefore obvious that while the schools remain minimally self-sufficient, they have been inextricably intertwined with the Navajo Nation government and their local Navajo communities from their inception.” The code defines school boards’ responsibilities:
 - Local community school boards are responsible for assuring implementation of Navajo educational and developmental politics at the local level, as well as establishing local educational policies to meet the needs of their students; and
 - School boards shall develop written policies regarding school governance, personnel, parental involvement, staff conduct, student conduct, teacher evaluation, residential policies, fiscal and budget management policies, graduation requirements, and academic policies.
- **Oglala Sioux:** Local school boards are required to draft a written School Philosophy document, line of authority, code of ethics, personnel policies handbook, fiscal and accounting process, community involvement policies, Parent Advisory Council procedures, and employment contracts. Local school boards must develop a Comprehensive Educational Plan, a Disaster Plan, and a School Board Policy Manual.
- **Rosebud:** For the most part, local school boards maintain the autonomy to set policy for their schools. Section 301 requires, “School boards shall ensure that their schools and staff cooperate with the Tribal Education Department.” Such cooperation shall include:
 - Providing written educational data annually, participating in the “human network system,” and ensuring that their administrators participate effectively in the on-site assessment evaluation teams provided for in this Code;
 - Providing current copy of their schools’ written policies and procedures;

- Including the Tribal Education Department in their established processes for reviewing curriculum, education standards, and educational policies and programs;
- Including tribal curriculum in their curriculum and standards;
- Ensuring that local schools attain tribal education standards; and
- Providing tribal educational programs as specified under this Code.

Standing Rock Sioux: Other than the school boards of public schools, the code notes that the Standing Rock Tribal Council establishes school boards and their schools. These School Boards must cooperate with the Department of Education, including compiling required data, having educators participate in professional development, and ensuring administrators participate in on-site assessment evaluation teams. They must also ensure that the schools attain Tribal education standards.

4.4 EDUCATION STANDARDS AND CURRICULUM

Many of the tribal codes describe the need for tribal education standards and curriculum. Tribes follow the academic standards required by their respective states regarding language arts and math. These code requirements provide a range on how each tribe should develop and approve standards on related indigenous topics (i.e. tribal history, culture, language, or other topics). Whatever subjects the Hopi determine to evaluate, all of these topics require a comprehensive community engagement process to identify and develop standards, curriculums, or strategies.

- **Hopi:** Hopi Ordinance #36 requires that the Hopi Board of Education assess reservation-wide educational needs, set reservation-wide educational goals, set minimum reservation-wide education standards, and prepare an annual report on the status and future development of the Hopi Education System.
- **Rosebud Sioux Tribe:** The Tribal Education Director is tasked with developing tribal curriculum and tribal education standards and convening meetings of educators and stakeholders. After drafting the standards and the curriculum, the

Department of Education submits them to the Tribal Council, who will “establish” them. The tribal curriculum must include tribal government, tribal-state and tribal-federal relationships, and Rosebud Lakota language and culture, for all grade levels. The required curriculum must also include health and nutrition, parenting and family life, tribal and American economics, reservation lands, natural resources, and community environments. The school boards are required to include the tribal education development in their processes for reviewing curriculum, standards, policies, and programs, and then they are required to report to the Department of Education annually.

- **Oglala Sioux Tribe:** The code establishes a single reservation-wide accountability system with tribal accreditation and authorization. Each school board is required to develop a Lakota culture program, with a minimum of 250 minutes/week in language or culture. Each local school board will require teachers to have had instruction in Lakota culture and obtain a certification.
- **Standing Rock Sioux Tribe:** Through recommendations by the Education Department, the Tribe’s Health, Education, and Welfare (HEW) Committee shall establish and promote tribal education standards for approval by the Tribal Council. The Tribal Education Development must develop standards including Dakota/Lakota language. HEW Committee shall establish an annual reporting system on the state of education.
- **Navajo:** The code requires that the Board, in consultation with other entities, develop education standards. Upon formal approval of such standards, the Department of Diné Education shall implement an accreditation process based on such standards and implement this process on schools. The local school boards, and their respective schools shall “approve and adopt challenging academic content standards” and develop a written curriculum aligned with Navajo standards.
- **Skokomish:** The Skokomish Education Ordinance establishes the “Skokomish Education Committee,” which is required to work in cooperation with the Cultural Committee to identify and gather materials on tribal history, language, culture, and values. The work with the Cultural Committee is intended to lead to joint development of strategies, and plans to integrate these materials into formal education processes in classrooms and through teacher training.

4.5 TRIBAL LANGUAGE

Many tribes include code sections on the importance of native language. Again, however, without compliance mechanisms or guaranteed funding sources, there are no guarantees that the code requirements will be satisfied by the local schools.

- **Navajo:** Instruction in Navajo language shall be made available for all grade levels. The code includes concrete directions about education in Navajo language. “The Navajo language is an essential element of the life, culture and identify of the Navajo people.” As such,
 - “Instruction in the Navajo language shall be made available for all grade levels in all schools serving the Navajo Nation.” It shall include: “thinking, speaking, comprehension, reading and writing skills and study of the formal grammar of the language.”
 - Spoken or written Navajo language shall be used as a medium of instruction to teach academic content to Navajo speaking students who are not fully proficient in English.
 - Intensive English language development shall be made available to serve students identified as “limited English proficient,” with the exception of students enrolled in Navajo language immersion programs.
- **Rosebud Sioux:** The established tribal curriculum must include a tribal orthography to be used in Rosebud Lakota language instruction on the reservation.
- **Standing Rock Sioux:** The code indicates that the tribe will create a “Tribal Language Board” as a certifying entity for those seeking to attain licensure as a Dakota/Lakota Language and Culture Teacher (“Eminent Scholar”). The Tribal Language Board consists of a Sitting Bull College language instructor, the College’s Native American Studies Department chair, the College’s Division of Education Chair, HEW Committee member, Tribal Department of Education Director, and an Elder/Community Member that is a fluent speaker of the Dakota or Lakota language.

- **Yankton Sioux:** The code, called the “Education, Language and Cultural Preservation of the Ihanktowan Oyate” focuses on the need promote and preserve the Tribe’s Dakota language and culture. Code requirements include:
 - Dakota language shall be offered each year for members of the Tribe and other interested students.
 - Parents shall be encouraged to teach their children N/Dakota language and culture, and tribal educational institutions shall involve parents in the process of education to the maximum extent practicable.
 - It is recognized that among the Ihanktowan Oyate and the Great Sioux Nation, there are certain persons who possess knowledge above and beyond those attained by academics with degrees. Those people endowed with cultural and linguistic knowledge of the Nakota/Dakota/Lakota language and culture shall be recognized and be used in tribal educational institutions to the maximum extent practicable.

4.6 TRIBAL HISTORY

Some of the codes also highlight the importance of tribal history, social studies, and culture in the standards, curriculum, lesson plans, materials, and/or classroom instruction. These are noteworthy requirements, as they provide authority to develop history and social studies curriculum and materials. Again, they do not provide compliance or funding mechanisms. If a school fails to develop such materials, there is no recourse.

- **Navajo:** The code includes details about incorporating Navajo culture and social studies, but it leaves it up to the local school boards to implement these requirements, “Courses or course content that develops knowledge, understanding and respect for Navajo culture, history, civics, and social studies shall be included in the curriculum of every school serving the Navajo Nation. The local school governing board, in consultation with parents, students and the local community, shall assist in determining the appropriate course content for the Navajo culture component of the curriculum.”
- **Yankton Sioux:** The code requires that all schools provide instruction on Tribal Government, and that they include the history of the Great Sioux Nation, including

instruction on the lives and achievements of Great Sioux Nation leaders (starting no later than the 8th grade).

- **Rosebud Sioux:** According to the code, the required curriculum must include tribal government, tribal-state and tribal-federal relationships, as well as tribal and American economics. The Department of Education develops the curricula, and the Tribal Council establishes them.
- **Nez Perce:** Other tribes do not have such language in their tribal codes, but do (as in the case of the Nez Perce) have an effective partnership with their public schools to develop and implement instruction in these topics.

4.7 REQUIREMENTS FOR EDUCATORS

Some tribal education codes define qualifications for all educators. Others, such as the Oglala Sioux's requirements regarding the Lakota language, set forth a process to become certified to teach the tribal language.

- **Rosebud:** Section 601 mandates that all educators be certified and authorizes the "Tribal Education Department to regularly identify recertification areas appropriate for educators."
- **Standing Rock Sioux:** All educators must be certified. They must also participate in culture orientation as established by the Department of Education, which includes the history, culture and language of Standing Rock.
- **Oglala Sioux:** The code requires that all school administrators and teachers on the Pine Ridge Indian Reservation have the proper certificates and professional endorsements as required by Tribal and State Law. The Education Department will review teacher qualifications and certificates for teaching while the local school board manages the process for selecting its school's employees and administrators. In addition, the local school board will employ teachers with a minimum number of credits in Lakota Language or Lakota Culture, and they must complete more credit hours on an annual basis. The code includes five pages describing the various educator standards.
- **Yankton Sioux:** The code requires that the Department of Education issue a single basic teacher certificate, with a variety of different types of endorsements.

4.8 ATTENDANCE AND TRUANCY

Most of the tribal education codes include language about compulsory school attendance, and some strengthen that language with rules about truancy. These code provisions may be enforced against students and/or parents who fail to attend school regularly.

- **Oglala Sioux:** The code requires school attendance from age 6 until the completion of the 12th grade (or age 18), and it directs local school boards to develop and implement the guidelines against truancy.
- **Standing Rock:** The code has specific definitions of attendance, with some exemptions.
- **Navajo:** Students between ages of 5 and 18 must attend school. A parent or guardian of a student in violation of the code may be penalized with a petty misdemeanor.
- **Confederated Salish & Kootenai Tribes:** The code focuses on attendance and truancy.
- **Cherokee:** The code describes compulsory school and attendance.
- **Tohono O'odham:** The mandatory school age is from 6 to 18.
- **Nisqually Tribe:** The code focuses almost entirely on school attendance requirements, a tribal attendance officer, and tribal court action for failure to comply.

4.9 OTHER INNOVATIVE PROGRAMS

The tribal education codes include a range of other topics, including parent and community involvement, kindergarten, special education, transportation, school facilities, and operations, and vocational education and career education, as examples. These provisions give authority to tribal education departments, for example, to develop programs or write grants in search of funding.

- **Parent and Community Involvement**

- **Rosebud Sioux:** Section 502 requires the Tribal Education Department to include parents and community members in the development of the tribal curriculum, education standards, and educational policies and programs; the preparation of a State of the Reservation Education Report; and an annual in-service training for parents and community members. The local school boards are also required to involve parents and community members in formal processes regarding curriculum, education standards, policies, programs, and extra-curricular activities, as well as procedures for parent-school communications. The local school boards are required to report their compliance with this section to the Tribal Education Department.
- **Navajo:** All schools shall jointly develop a written parent involvement policy.
- **Yankton Sioux:** The code states, “It shall be the policy of the General Council of the Ihanktowan Oyate to encourage parents to teach their children N/Dakota language and culture, and tribal educational institutions shall involve parents in the process of education to the maximum extent practicable.”
- **Kindergarten:** The Standing Rock Sioux code requires all local schools to offer kindergarten. It also tasks the Department of Education with developing procedures to assess kindergarten readiness and procedures to govern transition from preschool to kindergarten.
- **Special Education:** In the Navajo code, local schools shall ensure that special education services are provided.
- **Bus Routes and Transportation:** The Navajo code leaves the development of policies to ensure adequate bus transportation systems to the local school boards. However, it also states, “The Navajo Nation, through the Education Committee and the Transportation and Community Development Committee, shall work in a joint and cooperative effort with the states and the Bureau of Indian Affairs to adopt adequate bus routes, to avoid excessively long bus travel and to develop a comprehensive school transportation plan.”

- **School Facilities and Operations:** The Navajo code puts the responsibility of maintenance of school facilities squarely on the federal Bureau of Indian Affairs, either directly or through contract. However, the Department of Diné Education is required to establish joint planning efforts with the schools and school systems regarding construction, expansion, or renovation.
- **Vocational Education and Career Education:** The Navajo Nation shall integrate education planning and economic planning. Specifically, the Education Committee and the Human Services Committee of the Navajo Nation Council shall coordinate, with other entities, the development of comprehensive vocational educational planning. Then, it shall be integrated into the basic curriculum of all schools in all appropriate content areas and at all grade levels.

5 CONCLUSION

As previously noted, this tribal code summary marks the *beginning* of our consulting project. The idea of “multiple options” has been emphasized throughout to remind the Hopi educational leaders and community members alike that this project represents an ongoing process where our team will provide analysis, recommendations, and options so the Hopi people can make decisions about what will serve their community best.

In order to be meaningful, education codes must be both practical and enforceable. It is important for Hopi community leaders to evaluate the benefits and challenges of each type of code requirement. Some of the requirements may sound appealing, but without extensive capacity building, continuous funding sources, or compliance mechanisms, they serve only as hopeful aspirations, not as genuine requirements.

This report will be supplemented by the next two reports to be provided by **Public Works LLC**:

- **Tribal Visits Report**, which will present information gathered from 8-10 other tribal educational practices, models, and strategies; and
- **Feasibility Study**, which will present information gathered from Hopi, including promising educational practices, and additional options.

Following the completion of these reports, **Public Works** will develop short “Visioning Statements” for the Hopi to review and deliberate, expected in March 2018.

Please feel free to contact us with any questions.

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