

**FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
NAGAAJIWANAANG**

**SCHOOL ATTENDANCE REQUIREMENTS
*GIKINOO'AMAAGOZI (HE/SHE GOES TO SCHOOL)***

ORDINANCE #03/00, AMENDED

Adopted by Resolution #1257/00 of the Fond du Lac Reservation Business Committee on August 15, 2000.

Amended by Resolution #1347/02 of the Fond du Lac Reservation Business Committee on December 5, 2002.

Amended by Resolution #1234/13 of the Fond du Lac Reservation Business Committee on July 31, 2013.

Amended by Resolution #1443/14 of the Fond du Lac Reservation Business Committee on November 19, 2014.

CONTENTS

		<i>Page</i>
CHAPTER 1	AUTHORITY, PURPOSE & SCOPE	1
CHAPTER 2	DEFINITIONS AND INTERPRETATIONS	2
CHAPTER 3	RESPONSIBILITIES OF PARENTS AND GUARDIANS	3
CHAPTER 4	AMENDMENT OR REPEAL	5
	CERTIFICATION	5

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CHAPTER 1

AUTHORITY, PURPOSE AND SCOPE

Section 101 Authority (*Ogimaawiwin*)

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. 476.

Section 102 Purpose (*Onjida*)

The purpose of this Ordinance is to promote and enforce school attendance for children who are enrolled in the Fond du Lac Band and who reside within the boundaries of the Fond du Lac Reservation through the establishment of enforcement for habitual non-compliance through the institutions and processes of the Fond du Lac Band.

Section 103 Scope (*Awenen*)

The requirements and standards established by this Ordinance apply to all children who are enrolled in the Fond du Lac Band and who reside within the Fond du Lac Reservation, and to all parents or persons having custody or parental responsibility over those children.

Section 104 Reservation of Rights (*Ishkonigaade*)

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the power of the

Reservation Business Committee. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

CHAPTER 2

DEFINITIONS AND INTERPRETATION

Section 201 General Definitions (Ikidowin)

- a. **"Child"** shall mean any enrolled member of the Fond du Lac Band who is age 7-17 years of age residing within the Fond du Lac Reservation, unless such child is married, emancipated or in military service.
- b. **"Fond du Lac Band"** shall mean the Fond du Lac Band of Lake Superior Chippewa.
- c. **"Fond du Lac Reservation"** shall mean all land within the boundaries of the Fond du Lac Reservation, regardless of the fee status of such land.
- d. **"Parent or guardian"** shall mean the adult who has custodial authority over the student in question.
- e. **"Reservation Business Committee"** shall mean the governing body of the Fond du Lac Band.
- f. **"Residence"** shall mean a person's permanent place of abode, and a child's residence shall mean the residence of the parent or guardian of the child.
- g. **"School"** shall mean any public, private, or tribal school which is legally accredited to provide educational services and in which a child is enrolled.
- h. **"Truancy Officer"** shall mean anyone who is authorized by resolution of the Reservation Business Committee and supervised by the Fond du Lac Police Department to enforce the provisions of this Ordinance.
- i. **"Truant"** shall mean the intentional, unauthorized, or illegal absence from compulsory education. This shall not include legitimate, excused absences, as

defined in the school attendance policy of the school most recently attended by the student.

Section 202 Interpretation(Aanikanootan)

The provisions of this Ordinance shall be interpreted and administered in a manner which is intended to encourage parental supervision of school attendance by minor children and to assist families in the orientation of their children towards regular school attendance or the provision of minimum standards of home based education.

CHAPTER 3

RESPONSIBILITIES OF PARENTS AND GUARDIANS

Section 301 Attendance Requirements (Naago'idizo)

Except as provided under Section 302, it is the responsibility of each parent or guardian of a child age 7-17 to ensure that the child is enrolled in a legally accredited public, private, or tribal school, and that the child regularly attends such school in accordance with that school's attendance policy. If a child switches schools, absences from the different schools will be combined for the school year; the policy of the school most recently attended will be applied.

Section 302 Home Schooling Option (Giwe Gikino'amaadiwigamig)

A parent or guardian may elect to provide home-based education to a child, subject to the following requirements:

- a. The parent or guardian shall comply with the home schooling requirements applicable at the child's school of enrollment.
- b. If a parent or guardian does not comply with the requirements for home schooling established under this section, the child shall be subject to the mandatory attendance requirements established under Section 301.

Section 303 Truancy (Dasogonendi)

- a. **Violations.** The parent or guardian of a child who neither attends school nor receives home schooling in accordance with this Chapter shall be in violation of this Ordinance and subject to the provisions of this section.

- b. **Enforcement.** The attendance requirements of Section 301 may be enforced by any truancy officer who is authorized by resolution of the Fond du Lac Reservation Business Committee.
- c. **Corrective action; penalties.** Any parent or guardian who is in violation of Section 301 shall be subject to the following:
1. **Citation to Court.** The parent or guardian, along with their student, shall be cited to appear before Tribal Court. If the Tribal Court finds that the parent or guardian has violated the attendance requirements of Section 301, the Court may:
 - i. request Fond du Lac Social Services to coordinate with school officials to evaluate needs of the offending party (who may not be required to accept the service at this point), and to report their findings and recommendations back to the Court within a specified period of time;
 - ii. impose a fine of up to \$500.00;
 - iii. continue jurisdiction to determine if the child is complying and, if not, order other penalties as deemed appropriate, including repeated fines; and
 - iv. refer to the appropriate social services.
 2. **Failure to Appear.** Upon failure to appear in response to a citation, the Tribal Court may in its discretion order a referral to appropriate social services for intervention in accordance with applicable law.
 3. **Referral.** If The Tribal Court has found a parent or guardian in violation as provided Section 303(a), and the student continues to be absent without excuse, the parent or guardian shall be considered to be in educational neglect of the child and the matter shall be referred to the appropriate social services agency for intervention in accordance with applicable law.

CHAPTER 4

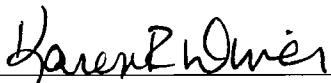
AMENDMENT OR REPEAL

Section 401 **Amendment or Repeal (*Aandaakonan*)**


This Ordinance, and any provision herein, may be amended or repealed by resolution of the Reservation Business Committee.

CERTIFICATION (*BIINJWEBINIGETAMAW*)

We do hereby certify that the foregoing Ordinance #03/00 was duly presented and adopted by Resolution #1257/00 by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on August 15, 2000 on the Fond du Lac Reservation, and as subsequently amended by Resolution #1347/02 on December 5, 2002; by Resolution #1234/13 on July 31, 2013; and by Resolution #1443/14 on November 19, 2014.



Karen R. Diver
Chairwoman (*Ogimaakwe*)



Ferdinand Martineau, Jr.
Secretary/Treasurer (*Ozhibi'igewinini*)