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**CHAPTER 5
EDUCATION**

5.1 TRUANCY ORDINANCE

5.1.1 General Provisions.

- A. Purpose. The purpose of this ordinance is to require the regular attendance at school of tribal children living on the reservation.
- B. Abrogation and Greater Restrictions. When this ordinance imposes greater restriction than those contained in other tribal ordinances, codes, or resolution, the provisions of this ordinance shall govern.
- C. Interpretation. In its interpretation and application the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the tribe and shall not be deemed as a limitation upon or a repeal of any other tribal power or authority. The Tribe by the adoption of this ordinance does not waive its sovereign immunity in any respect.
- D. Severability. If any section, provision or portion of this ordinance is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- E. Applicability. This ordinance shall apply to Tribal children living on the Reservation and their parents or other person having Tribal children living on the Reservation under their control.
- F. Definitions. For purposes of this ordinance, the following terms shall have the meaning ascribed below:
 - (1) “Child” means any unmarried person who is less than eighteen (18) years of age.
 - (2) “Member” means a person enrolled in the Tribe.
 - (3) “Reservation” means the area within the external boundaries of the Sokaogon Chippewa Community.
 - (4) “School” means any educational institution attended by a child Tribal member
 - (5) “School attendance” means physical presence of a child in school attending scheduled class or during such hours and on such days as determined by the school or, for students enrolled in Alternative Education Programs, at the place and during hours scheduled by school for the

student, unless excused from such attendance by school policy, Tribal law, or state law.

- (6) “School attendance officer” means an employee designated by a school board under Wis. Stat. § 118.16 to deal with matters relating to school attendance and truancy.
- (7) “Tribal child” means a child who is either:
 - (a) An enrolled member of the Tribe;
 - (b) Eligible for enrollment in the Tribe as of right; or
 - (c) The biological child of an enrolled member of the Tribe who is eligible for membership by adoption.
- (8) “Tribal court” means the Sokaogon Chippewa Community Tribal Court.
- (9) “Tribe” means the Sokaogon Chippewa Band of Lake Superior Chippewa Indians.
- (10) “Truancy” means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the person having the absent pupil under his or her control, and also means intermittent attendance carried on for the purpose of defeating the intent of the state compulsory school attendance law, Wis. Stat. § 118, 15.

5.1.2 Compulsory School Attendance.

- A. School Enrollment Required. Except as excused under the state compulsory attendance law, Wis. Stat. § 118, 15, any person having under control a tribal child living on the Reservation shall enroll the child in school.
- B. Requirements to Attend School. Except as excused under the state compulsory attendance law, Wis. Stat. § 118.15, or under a school policy governing school attendance, any person having under control a Tribal child living on the reservation age four (4) or older shall cause the child to attend the school in which the child is or should be enrolled.
- C. Truancy Prohibited. Truancy by a Tribal child living on the Reservation is prohibited.

5.1.3 Enforcement and Penalties.

- A. Enforcement Officers.

- (1) Any tribal law enforcement officer, the Forest County Sheriff's Department, or school attendance officer may enforce the provisions of this ordinance;
 - (2) Any person authorized to enforce the provisions of this ordinance may stop and question any person upon reasonable belief that the person has violated this ordinance. Any Tribal child or member shall produce identification and give his or her name, address, age and parental information to any person authorized to enforce this ordinance upon request. Any person who does not possess suitable identification may be detained for purposes of verifying age, identification and school enrollment status.
 - (3) If, during school hours, a person authorized to enforce this ordinance has probable cause to believe that a Tribal child is a truant, the person shall take the child into custody and transport the child to school and deliver the child to school authorities.
- B. Cooperation with Schools. Each school is encouraged and authorized to contact the tribal law enforcement department on a daily basis and provide the names, ages, and custodial information regarding truant Tribal children for that day.
- C. Penalties. Any adult or Tribal child age eleven (11) or older who violates any provision of the ordinance shall be liable for penalty as follows:
- (1) For the first offense, a civil remedial penalty of \$100.00.
 - (2) Civil remedial penalties for subsequent offenses are as follows:
 - (a) Second Offense \$250.00.
 - (b) Third Offense \$500.00.
 - (c) Fourth Offense \$1,000.00.
 - (3) Community Service.
 - (4) Court costs of \$10.00.
 - (5) Each day of truancy shall constitute a separate offense.
 - (6) In addition to a civil remedial money penalty, the driving privileges of a truant tribal child may be suspended for a period not to exceed ninety (90) days.
 - (7) Nothing herein shall prohibit the referral of a Tribal child to the Child Welfare Office for the filing of a child welfare petition under the Child

Welfare Code. A Child Welfare Petition shall be filed regarding any Tribal child who has been truant for five (5) days or more in any three (3) month period.

D. Precondition to Subsequent Citation or Child Welfare Petition. Prior to the filing of any child welfare petition based upon truancy or a second or subsequent citation being issued during a school year based on the truancy of any tribal child, the school in which the child is enrolled shall have:

- (1) Met with the child's parent or guardian to discuss the child's truancy or have attempted to meet with the child's parent or guardians and been refused;
- (2) Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modifications under Wis. Stat. 118.15(1)(d).
- (3) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.
- (4) Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

E. Enforcement Procedure. The Tribal Court shall have jurisdiction over cases brought to enforce this ordinance. Proceedings shall be conducted in accordance with S.C.C.C. § 2.4 of the Tribal Court Code, provided that citation issued hereunder may be served by ordinary mail.

5.2 HOME SCHOOLING ORDINANCE

For purposes of this Chapter the following terms have the following definitions. "Home Schooling" means a program of education supervised by a child's parent or other person in accordance with the requirements of this Chapter. "Child" means any person under twenty-one (21) years of age who does not have a high school diploma or equivalent. "Community Child" means a child who is enrolled or eligible for enrollment. "Court" means the Sokaogon Chippewa Community Tribal Court.

5.2.1 License to Supervise Home Schooling Required.

A. It is prohibited for any person to provide home schooling to a Community Child without a Community License to supervise home schooling ("Community Home School License"). This applies to any Community Child wherever located and any child located within the exterior boundaries of the

Sokaogon Chippewa Reservation or on any land however held by the Sokaogon Chippewa Reservation.

- B. All persons who intend to provide home schooling must apply and obtain a Community Home School License from the Court before beginning any home schooling. At least fourteen (14) days before beginning home schooling or within fourteen (14) days of establishing a child's residence within the Reservation, and once each year thereafter, a parent intending to supervise home schooling shall file an application for a Community Home School License with the Tribal Clerk of Court.

5.2.2 Home Schooling Application. The home schooling application shall include the following:

- (1) The name and address of the child receiving home schooling;
- (2) The child's date of birth;
- (3) The child's grade level;
- (4) The name and address of the parent or person who will supervise the home schooling;
- (5) The qualifications of the parent or person who will supervise the home schooling;
- (6) Any public school courses in which the child intends to participate and the school district offering the courses;
- (7) The curriculum, books, and materials the parent or person will be using; and
- (8) Any extracurricular activities in which the child intends to participate and the school district or approved nonpublic school offering the activities.

The statement must be accompanied by a copy of the child's immunization record and proof of the child's identity.

5.2.3 Home Schooling Qualifications.

- A. A parent may supervise home schooling if the parent the parent holds a high school diploma or a H.S.E.D
- B. Any other person may supervise home schooling if that person holds a teaching certificate or license by any State.

- 5.2.4 Home Schooling Attendance.** A parent or person supervising home schooling shall maintain a record of attendance. The parent or person shall provide the attendance records weekly to the Community Home School Coordinator.
- 5.2.5 Home Schooling Academic Records.** A parent or person supervising home schooling shall maintain a record of courses taken by the child and the child's academic progress assessments, including any standardized achievement test results. If the child transfers to a public school district, the parent shall furnish the record to the school district superintendent or other administrator. The parent shall provide the record quarterly to the Community Education Department.
- 5.2.6 Required Monitoring of Progress.** A parent must be monitored in accordance with § 5.2.7 of this Chapter for the first two (2) years. If a child receiving home schooling obtains a basic composite standardized achievement test score below the fiftieth percentile nationally, the parent must be monitored for at least one additional school year and until the child receives a test score at or above the fiftieth percentile.
- 5.2.7 Reporting of Progress.**
- A. The Community Education Department shall assign an individual to monitor a child receiving home schooling unless the parent notifies the school district that the parent shall select and compensate an individual to monitor the child.
 - B. The individual selected by the parent under Subsection 1 must be licensed to teach by any state and approved by the Community Education Department.
 - C. Each month, the individual shall report the child's progress to the Department of Education.
- 5.2.8 Test Administration.** An individual who in accordance with this chapter administers a standardized achievement test to a child receiving home schooling shall notify the Education Department.
- 5.2.9 Standardized Achievement Test.**
- A. Each child receiving home schooling shall take a standardized achievement test used by the school district in which the child resides or, if requested by the parent, shall take a nationally normed standardized achievement test. The child shall take the test in the child's learning environment or, if requested by the child's parent, in a public school. An individual licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board shall administer the test.
 - B. The cost of administering a test under this subsection is the responsibility of the parent(s).

5.2.10 Standardized Achievement Test Results.

- A. A parent supervising home schooling shall file the results of the child's standardized achievement test with the Community Education Department.
- B. If the child's basic composite score on a standardized achievement test is less than the fiftieth percentile nationally, the Community Education Department in conjunction with a Treating Professional shall assess the child for a potential learning disability.
- C. If the Community Education Department determines that the child is not disabled and the child's parent wishes to continue home schooling, the parent, with the advice and consent of an individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board, shall prepare a remediation plan. The parent is responsible for any costs associated with the development of the remediation plan. If the parent or person fails to adhere to the remediation plan, the parent is deemed to be in violation of compulsory school attendance provisions and may no longer supervise the home schooling of the child.
- D. Semi-monthly, the Community Education Department of the child's school district of residence shall determine reasonable academic progress based on the child's services plan.
- E. If a parent fails to file a services plan as required by this section, the parent is deemed to be in violation of the compulsory school attendance provisions and may no longer supervise the home schooling of the child.

5.2.11 Child with a Developmental Disability. A parent or person may supervise home schooling for a child with a developmental disability if:

- A. The child has been determined to have a developmental disability by a licensed psychologist or other treating professional ("Treating Professional");
- B. The child's parent or person is qualified to supervise home schooling under this Chapter; and
- C. The child's parent or person files with the Education Director and the Clerk of Court:
 - (1) A notice that the child will receive home schooling;
 - (2) A copy of the child's diagnosis of a developmental disability prepared and attested to by the Treating Professional; and

- (3) A services plan developed and followed by the Education Department, the Treating Professional, the person supervising home schooling and the child's parent (the "Service Plan Team").

5.2.12. Child with a Developmental Disability; Progress Reports. On or before November first, February first, and May first of each school year, a parent or person supervising home schooling for a child with a developmental disability shall file with the Education Department progress reports prepared by the Service Plan Team selected under section 5.2.11(C)(2). If at any time the Services Plan Team agrees that the Child is not benefiting from home schooling, the Educational Department shall file a Truancy Petition.

5.2.13. Participation in Extracurricular Activities.

- A. A child receiving home schooling may participate in extracurricular activities either:
 - (1) Under the auspices of the child's school district of residence; or
 - (2) Under the auspices of an approved nonpublic school, if permitted by the administrator of the school.
- B. For purposes of this section, a child participating under the auspices of the child's school district of residence is subject to the same standards for participation in extracurricular activities as those required of full-time students enrolled in the district.
- C. For purposes of this section, a child participating under the auspices of an approved nonpublic school is subject to the same standards for participation in extracurricular activities as those required of full-time students enrolled in the school.

5.2.14 High School Equivalent Diploma (H.S.E.D). Home schooling students must receive a High School Equivalent Diploma.

5.2.15 Penalties. Failure to abide by the provisions of this Chapter shall result in the revocation of a Home School License and/or a Petition for Truancy filed with the Court by the Education Department or Home School Coordinator including but not limited to:

- (1) Failure to obtain or maintain a Home School License; and
- (2) Failure to follow § 5.2.3 through 5.2.14 of this Chapter.

5.2.16 Hearing Any person who is denied a Home School License or has a Home School License revoked shall have a right to a hearing upon petition to the Court.

History:

Enacted - unknown.

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