

WINNEBAGO TRIBAL CODE
TITLE 19

TITLE 19
TRIBAL EDUCATION CODE
(As adopted October 19, 2020)

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TABLE OF REVISIONS

The following table is included in this title to show the legislative history for each article and as a guide for determining whether each article properly reflects the current version. This table will be updated as each article is revised.

Pages in bound titles can be inserted and removed when sections are revised on an article-by-article basis. This table should be placed before the Table of Contents in the title.

The “Article” column lists each article number and the “Section” column lists any corresponding sections that have been revised, in sequence. The “Revised Date” column reflects the effective date of the revision (e.g., “6/20/15”). The “Resolution No.” column identifies the resolution approving the revision that was adopted by the Winnebago Tribal Council. If an article is not listed in the table, it has not been revised since the initial adoption of this title of the Tribal Code.

<u>Article</u>	<u>Section</u>	<u>Resolution No.</u>	<u>Revised Date</u>
N/A	Adopting Title	21-17	10/19/20
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ARTICLE 1
GENERAL PROVISIONS

19-100 Authority.
19-101 Purpose.

2-103 Definitions.

19-100 Authority. The Tribal Council, pursuant to its inherent sovereignty and Article IV of the Constitution of the Winnebago Tribe, has the authority to enact this Tribal Education Code. [TCR 21-17]

19-101 Purpose. The purpose of this Tribal Education Code is to assist the Winnebago Tribe, through its inherent sovereignty and consistent with its Constitution, to provide for, support, and advance a high quality of relevant education for Tribal members. Tribal members, along with their language, culture, and history, are the most important resources of the Tribe and are the future of the Tribe. [TCR 21-17]

19-103 Definitions. The following definitions apply to this Tribal Education Code:

1. Academic Standards. “Academic Standards” means benchmark measures of the content of curriculum.
2. Curriculum. “Curriculum” means the lessons or course of study taught by Providers of education and educational services.
3. Parent. “Parent” means a parent or legal guardian as defined throughout the Tribal Code.
4. Providers of education and educational services. “Providers of education and educational services” means any and all schools, programs and services, including faculty, staff, administrators and boards, from early childhood through secondary education that serve Tribal members on the Reservation.
5. Reservation. “Reservation” means the territory set forth in Article I of the Constitution of the Winnebago Tribe.
6. State. “State” means the State of Nebraska, or any political subdivision thereof.
7. Tribal Chief Executive Officer. “Tribal Chief Executive Officer” means the Chief Executive Officer of the Tribe as defined in the Tribal Code.
8. Tribal Code. “Tribal Code” means the Tribal Code of the Winnebago Tribe, including any and all amendments thereto.
9. Tribal College. “Tribal College” means the Little Priest Tribal College established by the Winnebago Tribe.
10. Tribal Constitution. “Tribal Constitution” or “Constitution” means the Constitution and Bylaws of the Winnebago Tribe, as adopted and amended.
11. Tribal Council. “Tribal Council” or “Council” means the governing body of the Winnebago Tribe, as set forth in Article III of the Constitution of the Tribe.
12. Tribal Education Advisory Board. “Tribal Education Advisory Board” or “Advisory Board” means the Education Advisory Board of the Tribe.
13. Tribal Education Agency. “Tribal Education Agency” means the Tribal education administrative entity established by this Tribal Education Code, consisting of the Tribal Education Department and the Tribal Education Advisory Board.
14. Tribal Education Code. “Tribal Education Code” shall mean Title 19 of the Tribal Code.
15. Tribal Education Data and Reports. “Tribal Education Data and Reports” means educational data and reports regarding Tribal members generated by non-tribal sources, including the U.S.

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- government, the State, providers of education and educational services, private organizations and entities, and educational data and research generated by the Tribe.
16. Tribal Education Department. “Tribal Education Department” or “Department” means the Education Department of the Winnebago Tribe.
 17. Tribal Education Director. “Tribal Education Director” or “Director” means the head of the Tribal Education Department.
 18. Tribal Planning and Development Department. “Tribal Planning and Development Department” means the Planning and Development Department established by the Winnebago Tribe.
 19. Tribe. “Tribe,” “Winnebago Tribe” and “Tribal” mean the sovereign Winnebago Tribe of Nebraska.
 20. Tribal members. “Tribal members” means the membership of the Winnebago Tribe as defined in Article II of the Constitution of the Tribe.
 21. U.S. government. “U.S. government” means the government of the United States of America, including all branches of government and all departments, agencies, and offices thereof. [TCR 21-17]

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TITLE 19
ARTICLE 2
TRIBAL EDUCATION AGENCY

19-200 Establishment.
19-201 Tribal Education Department.

19-202 Tribal Education Advisory Board.

19-200 Establishment.

There is hereby established a Tribal Education Agency of the Tribe, which shall consist of the Tribal Education Department and the Tribal Education Advisory Board. [TCR 21-17]

19-201 Tribal Education Department.

1. Director.
 - A. The Tribal Education Department shall be headed by a Tribal Education Director, who shall report directly to the Tribal Chief Executive Officer.
 - B. The Tribal Education Director shall supervise the Tribal education programs and services of the Tribal Education Department, including their staff, consultants, and vendors.
 - C. The Tribal Education Director shall maintain the Department's records, property and facilities.
 - D. The Tribal Education Director may delegate or assign the duties of the Department as necessary or advisable.
2. Programs and Services: The Tribal Education Department shall consist of the following Tribal education programs and services:
 - A. Existing programs and services: As of the date of enactment of this Tribal Education Code, the following Tribal education programs and services exist and shall be within the Tribal Education Department:
 - i. Educare Winnebago
 - ii. Educational Pathways to Student Success
 - iii. Higher Education
 - iv. STEP Grant
 - v. Summer Youth Employment
 - B. Future programs and services: Unless tribal law provides otherwise, all future Tribal education programs and services shall be within the Tribal Education Department.
 - C. Approval of Funding Applications. All Tribal education programs and services shall obtain the approval of the Tribal Education Department before submitting applications for funding the programs and services. In addition, all other programs and services under the direction of the Winnebago Tribe shall obtain the approval of the Tribal Education Department before submitting applications for funding for education-related programs, services, projects and matters.
3. Powers and Duties: General.
 - A. The Tribal Education Department shall have the general authority and duty to implement this Tribal Education Code, and may seek federal, state and private resources to implement this Tribal Education Code.
 - B. The Tribal Education Department shall provide leadership and ensure accountability in education for the Winnebago Tribe.
4. Authorities and Duties: Specific:
 - A. Mandatory duties. Consistent with Tribal law, and, where appropriate, in consultation with the Advisory Board, the Tribal Education Department shall:

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- i. meet at least quarterly with the Tribal Education Advisory Board;
 - ii. oversee and analyze Tribal Education Data and Reports;
 - iii. maintain the confidentiality of Tribal Education Data and Reports as required by applicable law;
 - iv. report regularly to the Tribal Council, Tribal members, and Providers of education and educational services on the conditions, goals, priorities and progress of education for Tribal members;
 - v. host an annual Tribal Education Summit on the Reservation.
 - vi. serve as the primary spokesperson for the Tribe on education matters;
 - vii. plan for the educational goals, priorities and progress of the Tribe;
 - viii. identify, collect and make available education resources to Providers of education and educational services;
 - ix. approve applications for funding by and for Tribal education programs and services, and by other Tribal programs and services for education-related programs, services, projects and matters;
 - x. coordinate all available tribal and non-tribal education services and resources; and
 - xi. coordinate and consult with the State, the U.S. government, and other tribes on education matters.
- B. Discretionary duties. Consistent with Tribal law, and where appropriate, in consultation with the Advisory Board, the Tribal Education Department may:
- i. provide technical assistance and professional development training to Providers of education and educational services;
 - ii. review, analyze and make recommendations regarding the attendance, accreditation, curriculum, academic standards, alignment and transition, family and community engagement, and professional development laws, regulations, and policies of providers of education and educational services;
 - iii. be involved in the hiring and evaluation of administrators, faculty and staff for Providers of education and educational services;
 - iv. propose inter-governmental cooperative agreements regarding education to the Tribal Council;
 - v. develop Tribal education goals and policies for approval by the Tribal Council;
 - vi. develop Tribal education curriculum and academic standards for approval by the Tribal Council;
 - vii. develop Tribal education programs, services and initiatives for approval by the Tribal Council;
 - viii. administer approved Tribal education programs, services and initiatives; and
 - ix. enter into memoranda of understanding with the Winnebago Public Schools, District 17, the State Education Agency, and private schools on the Reservation consistent with the goals and purposes of the Tribal Education Code. [TCR 21-17]

19-202 Tribal Education Advisory Board.

1. Establishment. There is hereby established a Tribal Education Advisory Board, whose voting membership shall be composed of a single representative from each Provider of education and educational services, the Tribal College, each Tribal Language Program, and the State. The Board may also include parents, students, youth organization representatives, community leaders, elders, and Tribal Council members as non-voting Board members.
2. Duties. The Tribal Education Advisory Board shall:
 - A. Advise the Tribal Education Department on education matters of the Tribe; and
 - B. Promptly develop written operational Bylaws for approval by the Tribal Education Department; provided that the Bylaws shall require the Board to meet at least monthly, and

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to report regularly to the Tribal Education Department. [TCR 21-17]

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DATA AND REPORTING

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| 19-301 Data Sharing. | 19-304 Recommendation of Tribal Education Department. |
| 19-302 Review and Analysis of Tribal Education Data and Reports. | 19-305 Tribal Student Database. |
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19-300 Copies of and Access to Tribal Education Data and Reports.

All Providers of education and educational services shall provide copies of or access to Tribal Education Data and Reports that are required by federal, state, and Tribal law to the Tribal Education Department. Upon request, the Tribal College shall provide copies of or access to Tribal Education Data and Reports to the Tribal Education Department. Copies of or access to Tribal Education Data and Reports shall be provided in electronic format unless electronic format is unavailable, in which case paper copies or access shall be provided. [TCR 21-17]

19-301 Data Sharing

Consistent with applicable privacy laws, the Tribal Education Department shall share Tribal Education Data and Reports with the Tribal Planning and Development Department. [TCR 21-17]

19-302 Review and Analysis of Tribal Education Data and Reports.

The Tribal Education Department shall review and analyze Tribal Education Data and Reports. [TCR 21-17]

19-303 State of Reservation Education Report.

The Tribal Education Department shall prepare a written annual State of Reservation Education Report, and shall present this Report to the Tribal Council, Tribal members, Providers of education and education services, and the State. The annual State of Reservation Education Report may be presented or made available at the annual Tribal Education Summit. The Tribal Education Department may prepare and present any other interim reports. [TCR 21-17]

19-304 Recommendations of Tribal Education Department.

The Tribal Education Department may make recommendations to the Office of the General Counsel, the Tribal Council, the State, and Providers of education and educational services for amendments or improvements to existing education laws, regulations, policies and inter-governmental agreements. [TCR 21-17]

19-305 Tribal Student Database.

Subject to applicable federal, state and tribal privacy laws, the Tribal Education Department may establish and administer an electronic Tribal Student Database for Tribe members. [TCR 21-17]

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TITLE 19
ARTICLE 4
PLANNING

19-400 Tribal Education Plan.

19-400 Tribal Education Plan

1. In consultation with the Tribal Education Advisory Board, the Tribal Education Department shall prepare a comprehensive written Tribal Education Plan that addresses the education conditions, needs, goals and priorities of the Tribe, and shall present the Plan to the Tribal Chief Executive Officer and the Tribal Council for approval.
2. Upon approval by the Tribal Council, the Tribal Education Department shall present the Tribal Education Plan to Tribal members, the State, and Providers of education and educational services. The Tribal Education Department shall submit the Plan to the Tribal Planning and Development Department, and shall make the Plan publicly available.
3. In consultation with the Tribal Education Advisory Board, the Tribal Education Department shall review the Tribal Education Plan annually. The Tribal Education Department shall present major revisions to the Plan to the Tribal Chief Executive Officer and the Tribal Council for approval. The Tribal Education Department shall make the approved revisions publicly available.
4. The Tribal Education Department is authorized to take appropriate steps to implement the approved Tribal Education Plan, including but not limited to developing Tribal education goals, priorities and policies, Tribal curriculum and academic standards, and Tribal education programs, services and initiatives. [TCR 21-17]

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TITLE 19
ARTICLE 5
COORDINATION AND CONSULTATION

19-500 Coordination.

19-501 Consultation.

19-500. Coordination.

In consultation with the Tribal Education Advisory Board, the Tribal Education Department shall coordinate all available tribal and non-tribal education services and resources in an effort to improve education for Tribal members and to meet the education goals and priorities of the Tribe. [TCR 21-17]

19-501. Consultation.

Consistent with Tribal law, and in consultation with the Tribal Education Advisory Board, the Tribal Education Department shall consult with the State, the U.S. government, and other tribes on education matters of the Tribe. [TCR 21-17]

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TITLE 19
ARTICLE 6
RESOURCES AND TECHNICAL ASSISTANCE/ TRAINING

19-600 Resources.

19-601 Technical Assistance/ Training.

19-600 Resources.

The Tribal Education Department shall identify, collect and make available education resources to Providers of education and educational services. [TCR 21-17]

19-601 Technical Assistance/ Training

The Tribal Education Department may provide technical assistance and professional development training to Providers of education and educational services. [TCR 21-17]

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ARTICLE 7
LANGUAGE, CULTURE AND HISTORY

19-700 Importance to Education.	19-703 Coordination with Tribal Historic Preservation Department.
19-701 Curriculum Requirement.	
19-702 Coordination with Tribal Language Programs.	19-704 Coordination to Achieve American Indian Teacher Requirements.

19-700. Importance to Education.

The preservation, understanding, and use of the language, culture, and history of the Tribe are essential components of education for Tribal members. Since 1999, State law has expressly provided that "[t]eaching American Indian languages is essential to the proper education of American Indian children." Neb. Rev. Stat. 79-802.01 (2020). [TCR 21-17]

19-701 Curriculum Requirement.

All Providers of education and educational services shall include the language, culture, and history of the Tribe in their curriculum. The curriculum may include approved Tribal language immersion programs. [TCR 21-17]

19-702 Coordination with Tribal Language Programs

The Tribal Education Department may coordinate with Tribal Language Programs, including the Ho-Chunk Renaissance Program, to advance the preservation, understanding, and use of the Tribe's language, culture and history in curriculum and in Tribal communities. [TCR 21-17]

19-703 Coordination with Tribal Historic Preservation Department.

The Tribal Education Department may coordinate with the Tribal Historic Preservation Department to advance the preservation, understanding, and use of the Tribe's language, culture and history in curriculum and in Tribal communities. [TCR 21-17]

19-704 Coordination to achieve American Indian teacher requirements.

The Tribal Education Department may coordinate with the State, the Tribal College, Providers of education and educational services, and Tribal Language Programs, to achieve American Indian language teacher requirements. [TCR 21-17]

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ARTICLE 8
MISCELLANEOUS PROVISIONS

19-800 Effective Date.	19-803 Severability.
19-801 Repeal of Inconsistent Law.	19-804 Sovereign Immunity.
18-802 Amendments.	

19-800 Effective Date.

This Tribal Education Code shall be effective upon enactment by the Tribal Council. [TCR 21-17]

19-801 Repeal of Inconsistent Law.

To the extent any prior law, ordinance or resolution of the Tribe is inconsistent with this Tribal Education Code, the prior laws, ordinances, or resolutions are repealed or superseded, and this Tribal Education Code shall govern. [TCR 21-17]

19-802 Amendments.

When reference is made to this Tribal Education Code, the reference shall include all amendments to the Tribal Education Code. [TCR 21-17]

19-803 Severability.

If any portion of this Tribal Education Code is determined to be invalid, that determination shall not affect the remainder of the Tribal Education Code. [TCR 21-17]

19-804 Sovereign Immunity.

Nothing in this Tribal Education Code shall be construed as a waiver of the sovereign immunity from suit of the Tribe, the Tribal Education Agency, the Tribal Education Department, the Tribal Education Advisory Board, or officials and officers thereof. [TCR 21-17]

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TITLE 19
ARTICLE 9
APPROPRIATIONS

19-900 Authorization.

19-900. Authorization.

The Tribal Council may appropriate funds to implement this Tribal Education Code, pursuant to its authority as set forth in Article IV of the Constitution of the Winnebago Tribe. [TCR 21-17]